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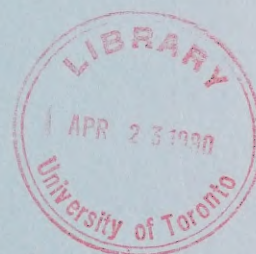


ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 190

DATE: Tuesday, April 10th, 1990

BEFORE: A. KOVEN, Chairman
E. MARTEL, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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ASSOCIATES
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2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4



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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the Ramada Prince
Arthur Hotel, 17 N. Cumberland Street,
Thunder Bay, Ontario on Tuesday, April
10th, 1990, commencing at 12:30 p.m.

VOLUME 190

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MS. Y. HERSCHER)	
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT
	BOARD
MR. E. HANNA)	ONTARIO FEDERATION OF
DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA
	LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS
	OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS	ONTARIO PROFESSIONAL
	FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM
	ASSOCIATION OF ONTARIO
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD)	
MR. R. REILLY	ONTARIO METIS &
	ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF
	FORESTRY (CENTRAL
	ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN
	DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY
	ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON
	WATCHDOG SOCIETY

APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>WILLIAM J. ROLL,</u> <u>JAMES RODERICK GEMMELL,</u> <u>JAMES A. WADDELL, Sworn</u> <u>MALCOLM F. SQUIRES,</u> <u>PETER MITCHELL MURRAY, Affirmed</u>	33383
Direct Examination by Ms. Cronk	33384
 SUBMISSIONS	 33499

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1100	Copy of the case study binders.	33376
1101	Copy of original photographs re case studies.	33377
1102	Copy of errata re case studies under cover letter dated March 30, 1990.	33377
1103	FFT Interrogatory Question Nos. 5, 7, 13, 18, 23, 26, 30, 30(a) and 32 and responses thereto.	33378
1104	MOE Interrogatory Nos. 1, 5(c), 6, 11, 13, 18, 23, 27 and 30 and responses thereto.	33378
1105	FMA map outlining the five case study areas.	33387
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1110	Map depicting location of Abitibi-Price's FMAs and land holdings in the Lakehead area.	33493

1 ---Upon commencing at 12:35 p.m.

2 MADAM CHAIR: Good afternoon. Please be
3 seated.

4 Good afternoon, Ms. Cronk.

5 MS. CRONK: Good afternoon, Madam Chair.

6 MADAM CHAIR: I have just one
7 announcement to make before you begin; and that is,
8 last week I announced that all correspondence to the
9 Board is to go to Ms. Devaul. Some people took it that
10 it was only to go to Toronto. Of course, as long as we
11 stay in Thunder Bay copies will have to come to Toronto
12 and Thunder Bay as well.

13 MS. CRONK: Thank you. Good afternoon,
14 Madam Chair, Mr. Martel.

15 The next Industry panel, as the Board is
16 aware, is Panel 4A dealing with the case studies
17 prepared by various Industry companies and by way of
18 introduction to the evidence that you will be hearing
19 on this panel, the evidence consists of five separate
20 case studies prepared by five different companies to
21 illustrate actual timber management activities carried
22 out by those companies in the area of the undertaking.

23 The evidence will indicate that each case
24 study concerns a major cover type in the area of the
25 undertaking and that, in combination, the five cover

1 types dealt with represent the most important
2 commercial cover types in the area of the undertaking.

3 An outline was previously provided to the
4 Board in Exhibit 1998 as to what it was proposed the
5 evidence on this panel should be and briefly for the
6 assistance of the Board, this panel of witnesses who
7 appears before you today will be outlining what cover
8 types are involved, where the five case study areas are
9 located, why they are, from the Industry's perspective
10 significant, the facilities of the companies both
11 organizationally, internally to the companies and in a
12 physical infrastructure sense that facilitated the
13 carrying out of these activities, the timber management
14 options that were actually available in the case study
15 areas and the options and prescriptions that were
16 actually utilized, as well as the results of those
17 activities as known to date.

18 In short, Madam Chair, Mr. Martel, it is
19 proposed that this panel should deal with what was
20 done, where it was done and with what results.

21 It is intended that each of these five
22 witnesses - and I will introduce them to the Board in a
23 moment - will reattend on subsequent panels before the
24 Board to give evidence in greater detail as to the
25 specific activities that were undertaken in areas for

1 which they are particularly responsible, and it is in
2 those subsequent activity panels, as we have described
3 them, that the rationale for the choice of certain
4 activities and the choice of certain alternatives will
5 be elaborated upon.

6 With that in mind then, the purpose of
7 this panel, with the Board's indulgence, is to provide
8 an overview of these case studies to assist the Board
9 when later we will be tendering before you evidence
10 concerning the specific activities that were undertaken
11 by the panel.

12 I would like to file with the Board at
13 this time, if I might, two copies of the case study
14 binders to be marked as the next exhibit.

15 MADAM CHAIR: That's Exhibit 1100.

16 MS. CRONK: 1100. It has been some time
17 since I was here, Madam Chair. (handed)

18 MADAM CHAIR: Thank you.

19 ---EXHIBIT NO. 1100: Copy of the case study binders.

20 MS. CRONK: In addition, Madam Chair, we
21 provided to all parties to the hearing months ago when
22 the case study binder itself was provided a photocopied
23 set of all of the photographs referred to in the case
24 studies, and I would like to file at this time with the
25 Board two copies of original photographs for your ease

1 of review of this evidence.

2 MADAM CHAIR: That's Exhibit 1101.

3 MS. CRONK: (handed)

4 MADAM CHAIR: Thank you.

5 ---EXHIBIT NO. 1101: Copy of original photographs
6 re case studies.

7 MS. CRONK: I would like to next file,
8 Madam Chair, with the Board copies of an errata
9 regarding the case studies, Exhibit 1100, that was
10 provided to all parties to the hearing under cover of
11 letter dated March 30, 1990 and if any of my friends do
12 not have that with them today we have extra copies, but
13 it was, as I indicated, previously provided.

14 MADAM CHAIR: That's Exhibit 1102.

15 MS. CRONK: (handed)

16 MADAM CHAIR: Thank you.

17 ---EXHIBIT NO. 1102: Copy of errata re case
18 studies under cover letter dated
March 30, 1990.

19 MS. CRONK: Then next, Madam Chair, there
20 are certain interrogatories, the responses to which
21 have been provided by this panel as delivered both by
22 the Ministry of the Environment and Forests for
23 Tomorrow that I would propose to file at this time.

24 MADAM CHAIR: Exhibit 1103.

25 MS. CRONK: For the purposes of the

1 record, Madam Chair, I can indicate with respect to the
2 interrogatory responses to questions posed by Forests
3 for Tomorrow, the question and responses being filed
4 are numbers 5, 7, 13, 18, 23, 26, 30 and 32, and Mr.
5 Murray will be explaining later in his evidence that
6 there is an addendum to question and response No. 30,
7 so there is also a 30(a) which is now being provided to
8 the parties and to the Board.

9 And I am sorry, Madam Chair, I missed the
10 exhibit number on that.

11 MADAM CHAIR: Exhibit 1103.

12 MS. CRONK: Thank you. (handed)

13 MADAM CHAIR: Thank you.

14 ---EXHIBIT NO. 1103: FFT interrogatory question Nos.
15 5, 7, 13, 18, 23, 26, 30, 30(a)
and 32 and responses thereto.

16 MS. CRONK: Then with respect to the
17 Ministry of the Environment, Madam Chair, and
18 interrogatories delivered by that party, we propose to
19 file questions and responses to questions 1, 5(c), 6,
20 11, 13, 18, 23, 27 and 30 and I would ask that that be
21 the next exhibit.

22 MADAM CHAIR: That's Exhibit 1104.

23 MS. CRONK: (handed)

24 MADAM CHAIR: Thank you.

25 ---EXHIBIT NO. 1104: MOE interrogatory Nos. 1, 5(c),

1 6, 11, 13, 18, 23, 27 and 30
2 and answers thereto.

3 MS. CRONK: Then, Madam Chair, Mr.
4 Martel, if I could turn to the panel of witnesses who
5 are in attendance before you today. As you will be
6 aware from the case study binder that has marked as an
7 exhibit, Exhibit 1100, the curriculum vitae of these
8 witnesses are contained in the first section of the
9 binder immediately following the executive summary.

10 To assist the Board, if I could begin
11 first by way of introduction briefly. Mr. James
12 Waddell at the right far right-hand side of the panel
13 is a professional forester with with over 30 years
14 experience in forestry. He is employed by E.B. Eddy
15 Forest Products Limited. He is currently manager of
16 the forest resources for E.B. Eddy Forest Products
17 Limited in Espanola, Ontario. He has held that
18 position for 12 years.

19 Prior to that, as his resume indicates,
20 for five years he was forest resources Superintendent
21 for E.B. Eddy. He also served in 1973 as the regional
22 forester northwestern region for the Ministry of
23 Natural Resources in Kenora, and from 1958 to 1973 he
24 served in a number of forestry capacities with the
25 Ministry then known as the Ontario Department of Lands

1 and Forest both in Sioux Lookout and in Lindsay,
2 Ontario and he also worked as a forester in the early
3 1950's in the Prembroke area. He has then and some
4 extensive experience extending over some 30 years in
5 forestry in the area of the undertaking.

6 On the far left of the Board, Mr. Bill
7 Roll, is also a professional forester. He is currently
8 employed, as the documentary evidence indicates, as
9 Manager of Resource Development for the Great Lakes
10 region of Canadian Pacific Forest Products Limited here
11 in Thunder Bay. He has over 20 years experience in
12 forestry and has held a number of positions with
13 Canadian Pacific here in Thunder Bay and Ignace,
14 Ontario and Savant Lake, Ontario.

15 He joined Canadian Pacific or the
16 organization, the predecessor company to Canadian
17 Pacific in September 1974. Prior to that he was
18 employed in various forestry capacities with the
19 Ontario Paper Company Ltd. in Manitouage and in
20 Timmins, Ontario. Again, he has extensive experience
21 in forestry, particular to the area of the undertaking.

22 The third witness before you, Madam
23 Chair, in the middle of the panel, Mr. Max Squires,
24 again is a professional forester. He is currently the
25 Divisional Forester with the Lakehead Woodlands

1 Division of Abitibi-Price Inc. here in Thunder Bay. He
2 joined Abitibi-Price Inc. in 1978, prior to that he was
3 the Chief Forester for Price Pulp and Paper Limited in
4 Newfoundland and held a number of forestry positions
5 with that company.

6 He has also served in the past as a
7 research officer for a brief period with the Canadian
8 Forestry Service in Newfoundland and Mr. Squires has
9 over 25 years experience in forestry, the last 12 of
10 which have been exclusively within the area of the
11 undertaking.

12 We come next then, Mr. Martel, Madam
13 Chair, to Rod Gemmell who is also a professional
14 forester. He currently holds the position of Assistant
15 Logging Superintendent with Abitibi-Price Inc. in
16 Iroquois Falls. He has held that position for the last
17 9 years; that is, since 1981 and for some 13 years
18 prior to that he was employed as management forester by
19 the Ministry of Natural Resources in the Cochrane and
20 Timmins Districts. As is apparent, he also has
21 extensive forestry experience in the area of the
22 undertaking.

23 We come then last, but certainly not
24 least, to Mr. Peter Murray, last number of member of
25 this panel, who is also a professional forester. Mr.

1 Murray has almost 35 years experience in forestry
2 exclusively within the area of the undertaking and more
3 particularly in the Great Lakes/St. Lawrence forest
4 region portion of the area of the undertaking.

5 Mr. Murray was employed for most of his
6 career to date by Weldwood of Canada Limited, prior to
7 that company's acquisition by GW Martin Logging Limited.
8 He was employed by that company in the Huntsville area
9 in various capacities as Division Forester, then Chief
10 Forester, Manager of forestry and then Plant Manager,
11 all in the Huntsville area, and in 1986 he founded his
12 own forestry consulting business known as Cambrian
13 Forestry Services, again in the Huntsville area of the
14 area of the undertaking.

15 He has, in our respectful submission,
16 considerable, as I said, almost 35 years experience in
17 forestry exclusively in the area of the undertaking.

18 All of these individuals, Madam Chair,
19 Mr. Martel, in our submission have, as I've indicated,
20 ample qualifications and experience to qualify them
21 before you to give opinion evidence regarding the
22 nature of the timber management activities undertaken
23 by the Industry in the area of the undertaking, and I
24 would ask that you accept them as qualified for the
25 purposes of giving such evidence.

1 MADAM CHAIR: Shall we swear the
2 witnesses now, Ms. Cronk?

3 MS. CRONK: Yes, thank you very much.

4 I am informed, Madam Chair, that two of
5 the witnesses, Mr. Murray and Mr. Squires, wish to
6 affirm, the balance wish to be sworn.

7 MADAM CHAIR: Fine.

8 WILLIAM J. ROLL,
9 JAMES RODERICK GEMMELL,
10 JAMES A. WADDELL, Sworn
MALCOLM F. SQUIRES,
PETER MITCHELL MURRAY, Affirmed

11 MS. CRONK: Thank you.

12 Then finally, Madam Chair, Mr. Martel, I
13 should indicate, as Mr. Cosman previously indicated to
14 the Board, that it is intended that after these
15 witnesses complete their overview evidence regarding
16 the case studies that very briefly an overview will be
17 provided to the Board of the planning evidence that
18 ultimately you will hear on behalf of the Industry.

19 There are two witnesses available for
20 that purpose, Mr. Dale Munro and Mr. Michael Innes and
21 I am informed by Mr. Cosman that the purpose of that
22 evidence is to provide an overview at this stage to the
23 Board of the planning proposals and terms and
24 conditions which Industry will be proposing to assist
25 the Board as you hear the detailed activity evidence in

1 the weeks to follow.

2 With that in mind then, Madam Chair and,
3 Mr. Martel, I propose, if I might, to begin the
4 evidence of this panel.

5 MADAM CHAIR: Please proceed, Ms. Cronk.
6 We will be taking a break at 2:10 today and also at 4
7 o'clock--

8 MS. CRONK: Thank you very much.

9 MADAM CHAIR: --so you can organize your
10 presentation.

11 MS. CRONK: Thank you.

12 DIRECT EXAMINATION BY MS. CRONK:

13 Q. Mr. Waddell, perhaps we can begin, if
14 we might, with you and by way of introduction, could
15 you outline for the Board please in general terms the
16 nature of the case studies from the Industry's point of
17 view and what the nature of this evidence is that you
18 will be putting forward to the Board?

19 MR. WADDELL: Yes, Ms. Cronk. Good
20 afternoon, Madam Chair and Mr. Martel.

21 Within the area of the undertaking, the
22 great majority of Industry's forest management
23 activities are carried out in five major cover types
24 and we define a cover type as an identifiable group of
25 tree species that can be mapped and identified.

1 In this panel, Industry will present for
2 each of these five cover types a case study which will
3 describe the forest management activities that were
4 actually carried out within that area by one of our
5 member companies.

6 There are three points that I would like
7 to bring to the attention of the Board regarding these
8 cover types. First, while each of these major cover
9 types is significant within the area of the
10 undertaking, not all cover types extend across the
11 entire area; for example, the tolerant hardwood cover
12 type is found only in the Great Lakes/St. Lawrence
13 forest region and it is not found in the boreal forest
14 region at all.

15 The second point is that the percentage
16 by area that these cover types occupy of any particular
17 management unit will vary considerably as you move
18 across the province.

19 And the third point is that while a cover
20 type may occupy, for example, 15 per cent of any
21 particular management unit - and when I say 15 per cent
22 I mean 15 per cent by area - the percentage of the
23 volume that that cover type contributes to the
24 harvested volume of that particular management unit may
25 be substantially higher than that; for example, a cover

1 type that contributes only 15 per cent of the area of a
2 management unit may well contribute 25 or 30 per cent
3 of the actual volume harvested from that particular
4 management unit.

5 Each case study will present a detailed
6 description of the access, harvest, renewal, tending
7 activities that were actually carried out within the
8 cover type by a member company and we will also discuss
9 fifth-year assessment results.

10 I would like to remind the Board at this
11 time that within the case study area we are dealing
12 with two forest regions and I would like to explain
13 this with the use of a map.

14 MS. CRONK: You may need that microphone
15 with you, Mr. Waddell.

16 Q. Could you explain to the Board,
17 first, what this map is, Mr. Waddell?

18 MR. WADDELL: A. Yes. This is map is a
19 standard Ministry of Natural Resources map which
20 indicates the forest management agreement areas and the
21 timber licences in the Province of Ontario and on this
22 map we have sketched out the five case study areas and
23 I would like to specifically point out to you where
24 they are at this time.

25 Q. Perhaps if I could just interrupt,

1 Mr. Waddell, before you do that. Was the superimposing
2 in the case study areas done by you and other panel
3 members for the purpose of giving evidence before the
4 the Board?

5 A. Yes, they were.

6 MS. CRONK: Madam Chair and Mr. Martel, I
7 wonder if that could be the next exhibit.

8 MADAM CHAIR: Yes, Exhibit 1105.

9 MS. CRONK: Thank you.

10 Mr. Waddell, do you have a felt pen
11 there. Could you mark that exhibit number, on the
12 corner would be satisfactory.

13 MR. WADDELL: I did have one.

14 MS. CRONK: I think there are two right
15 behind your name, Mr. Waddell.

16 MR. WADDELL: What was the number again,
17 please?

18 MADAM CHAIR: 1105.

19 ---EXHIBIT NO. 1105: FMA map outlining the five case
20 study areas.

21 MR. WADDELL: I would like to bring to
22 the Board's attention again that we are dealing with
23 two major forest types here in that the Great Lakes/St.
24 Lawrence forest type, as you are aware, covers the
25 bottom part of the area of the undertaking in a

1 direction from the Quebec border across, roughly a
2 little bit north of North Bay, a little north of
3 Espanola, up to Sault Ste. Marie and Wawa. It also
4 extends -- it is also then covers a bit of the general
5 area in the Fort Frances District. So that's the Great
6 Lakes/St. Lawrence region.

7 The balance of the area of the
8 undertaking is the boreal forest and we will present
9 one case study in the Great Lakes/St. Lawrence region
10 and four in the boreal.

11 Starting in the northwest corner, I would
12 refer you to the Canadian Pacific case study. It is
13 located on the English River forest management
14 agreement area and the case study area itself is
15 located in the northwest corner of this particular
16 forest management agreement. That's case study 4A.

17 Case study 4B is presented by E.B. Eddy
18 Forest Products, Espanola, and it covers the jack pine,
19 aspen, mixed wood, upland cover type. The forest
20 management agreements here are located roughly between
21 Sudbury and Timmins and the actual case study block
22 itself is located at the tip of the arrow.

23 I would like to go back for a moment to
24 the Canadian Pacific case study and indicate to you
25 that this covers the jack pine upland cover type.

1 Case study 4C is presented by
2 Abitibi-Price, Lakehead Division, and it covers the
3 spruce, fir, hardwood, mixed wood cover type. It is
4 located just north of Thunder Bay and it is found on
5 the Spruce River forest management agreement and,
6 again, the actual case study is located in the
7 southeast corner of this particular forest management
8 agreement.

9 Case study 4D is also preped by
10 Abitibi-Price, Iroquois Falls Division, and it is found
11 on the Iroquois Falls forest management agreement
12 located at Iroquois Falls and runs east to the Quebec
13 border. Again, the case study area itself is located
14 about the centre of the FMA at the tip of the arrow.

15 Case study 4E is in the Haliburton,
16 Muskoka, Huntsville area and it is the only case study
17 presented in the Great Lakes/St. Lawrence region and it
18 is presented on behalf of the GW Martin.

19 Q. Thank you, Mr. Waddell.

20 MR. MARTEL: Mr. Waddell, what did you
21 say the cover type was for 4D?

22 MR. WADDELL: Thank you, Mr. Martel, for
23 bring that to my attention, I did not say. It is the
24 black spruce Clay Belt cover type, and I am not certain
25 I even mentioned what it was for GW Martin, it is the

1 tolerant hardwood cover type.

2 MR. MARTEL: Thank you.

3 MS. CRONK: Q. Mr. Waddell, just on the
4 last aspect and what you indicated with respect to the
5 GW Martin case study, it being tolerant hardwood, do
6 you use that term in the sense in which it is used for
7 boreal foresters?

8 MR. WADDELL: A. Yes, I should certainly
9 clarify that for the Board. The term hardwood as used
10 in the Great Lakes/St. Lawrence forest region, by that
11 we mean the tolerant hardwood species such as hard
12 maple, yellow birch and beech as opposed to the term
13 hardwood that we use in the boreal forest which is the
14 intolerant species, basically white birch and poplar.

15 Please try to keep that in mind as we
16 through our case studies, that there are two distinct
17 groups of hardwoods as we foresters call them. It is a
18 little confusing.

19 Q. Mr. Waddell, then, from the
20 perspective both of yourself and your colleagues, what
21 is the purpose in presenting these case studies to the
22 Board?

23 A. Yes. The purpose of presenting Panel
24 4 is to try to provide to you an overview of the case
25 studies, to assist the Board in assessing the detailed

1 evidence regarding the case study areas which we will
2 be presenting through subsequent Industry panels of
3 witnesses in connection with their evidence regarding
4 specific timber management activities carried out by
5 the Industry.

6 Q. Just looking at these five case
7 studies that you have outlined on the map, Mr. Waddell,
8 why were these five case studies selected for
9 presentation to the Board?

10 A. We selected these particular case
11 studies for three reasons. First of all, we felt that
12 a discussion of these case studies would help the Board
13 to better appreciate the complexities of the forest
14 management activities carried out by the member
15 companies in the area of the undertaking.

16 The second reason that these case studies
17 were selected in these particular areas was that, as we
18 have mentioned, each one is carried out in a particular
19 cover type. Collectively, these five cover types
20 represent the five most commercially important cover
21 types in the Province of Ontario -- let me rephrase
22 that, in the area of the undertaking.

23 And the third reason these areas were
24 selected is that we had fifth year assessments, that's
25 stocking assessments, available in four of the five

1 case studies and we felt that it was important that the
2 Board should have the advantage of seeing how the
3 results of these areas have -- what the results of the
4 work in these areas to date have been.

5 Q. Do these case studies, Mr. Waddell,
6 deal with or cover all of the types of timber
7 management activities engaged in by the Industry in the
8 area of the undertaking?

9 A. Yes, they do. These case studies
10 carry and explain the full range of forest management
11 activities that the Industry carries out and they range
12 from road construction, harvesting, renewal, tending
13 and fifth year assessment results.

14 And I would like to point out that in
15 each case there was a number of options for each of
16 these activities that was available for the forest
17 manager to select. In each case, the local manager
18 considered the options available, assessed the relative
19 merits of each and finally made a decision on a
20 site-specific basis as to which option was best for
21 that particular site.

22 There was a wide variety of renewal
23 methods used and equipment used in these case studies,
24 and I have a couple of overheads now that I would like
25 to show to you to illustrate the wide variety of

1 renewal activities and different types of equipment
2 used in the five case studies.

3 MS. CRONK: Just while Mr. Waddell is
4 doing that, I don't know if the Board is hearing this
5 or not, but I am getting a little bit of feedback from
6 my mike. I wonder if the other panel members could
7 turn their microphones off if they have them on. That
8 should help in the feedback a bit.

9 MR. WADDELL: Madam Chair...

10 MS. CRONK: You better turn yours on, Mr.
11 Waddell.

12 MR. WADDELL: Madam Chair, there were a
13 number of different site preparation techniques
14 actually employed in the five case studies and I would
15 like to briefly go over these with you.

16 In case study 4A, which is the Canadian
17 Pacific one, site preparation was accomplished through
18 the use of a Bracke scarifier.

19 In case study 4B, two different types of
20 mechanical scarification was carried out, that was E.B.
21 Eddy's. In the one area, aspen was felled using either
22 chain saws or tractors and then windrowing was done,
23 and in the second area on the same case study tractors
24 were used to carry out mechanical site preparation in a
25 technique that we call dip and dive.

1 On case study 4C, the area to be site
2 prepared was first chemically sprayed from the air
3 using a herbicide, 2,4-D. Following that, mechanical
4 scarification was carried out by one of two methods.
5 On some of the area, straight tractor blading was used,
6 on the balance of the area, a marden chopper was used,
7 pulled by a tractor and subsequently a Bracke scarifier
8 was used on the same area.

9 On case study 4D, which is the
10 Abitibi-Price/Iroquois Falls, two different techniques
11 were used as well. Mechanical scarification was
12 accomplished in one area by winter shear blading using
13 tractors and in other areas the decision was not to
14 site prepare following the winter harvest, but rather
15 to go for natural regeneration.

16 Case study 4E, the tolerant hardwood,
17 wood, again the decision was not to site prepare, but
18 instead to rely upon the selection cutting system for
19 regeneration.

20 MS. CRONK: Madam Chair, we have made
21 copies of this overhead for the Board and for the
22 parties. I might ask that that be made the next
23 exhibit.

24 MADAM CHAIR: That will be Exhibit 1106.

25 MS. CRONK: (handed)

1 MADAM CHAIR: Thank you.

2 ---EXHIBIT NO. 1106: Hard copy of overhead re site
3 preparation techniques
4 employed in the five case study
5 areas.

6 MR. WADDELL: I have just showed you the
7 regeneration techniques -- pardon me, the site
8 preparation techniques that were used and now I would
9 like to speak briefly to the regeneration techniques
10 used.

11 As you are well aware, there are two
12 forms of regeneration: artificial and natural. Four
13 different artificial techniques were used. First of
14 all, on case study 4A, direct seeding of jack pine was
15 carried out simultaneously with the mechanical site
16 preparation.

17 Case study 4B, jack pine was planted
18 after mechanical site preparation. Case study 4C,
19 black spruce was planted after both chemical and
20 mechanical site preparation had been done. In case
21 study 4D, black spruce again was planted after
22 mechanical site preparation had been done in the winter
23 time using shear blading.

24 So those are four examples of the
25 artificial techniques that were used in the five case
studies.

1 Three forms of natural regeneration were
2 also employed. In case study 4D, two different forms
3 of natural regen were used. This is the Abitibi-Price/
4 Iroquois Falls in the black spruce Clay Belt forest
5 cover.

6 First of all, black spruce was preserved
7 in the form of group seed trees to obtain natural
8 regeneration; and, secondly, in some situations black
9 spruce was cut in alternate strips to try to obtain
10 natural black spruce regeneration.

11 In case study 4E, the tolerant hardwoods,
12 advanced growth of maple was utilized to try to obtain
13 the next crop.

14 MS. CRONK: Madam Chair, I would ask that
15 a photocopy of the two overheads dealing with the range
16 of regeneration techniques used be marked as the next
17 exhibit.

18 MADAM CHAIR: That will be Exhibit 1107.

19 MS. CRONK: (handed)

20 MADAM CHAIR: Thank you.

21 ---EXHIBIT NO. 1107: Hard copy of two overheads re
22 range of regeneration techniques.

23 MS. CRONK: Q. Mr. Waddell, does that
24 complete the evidence you wish to give by way of
25 introduction to this case study evidence or is there

1 anything you wish to add at this stage?

2 MR. WADDELL: A. I would just like to
3 add that or re-emphasize one point, Madam Chair, and;
4 that is, that in each of the five case studies that we
5 will be presenting to you all options for techniques
6 and equipment were evaluated in advance by the
7 respective unit manager and the various options
8 identified and evaluated. Then, finally, a specific
9 option was chosen which he felt in his judgment and
10 experience would give the best results on that
11 particular site.

12 The wide variety of renewal techniques
13 implemented and the equipment used, as I have
14 illustrated to you by the overheads, again emphasizes
15 the importance to the forest manager that he be allowed
16 to maintain flexibility in renewal decision-making and
17 also it emphasizes the need for continued availability
18 of a broad range of cost effective management
19 alternatives.

20 That concludes my comments, Ms. Cronk.

21 Q. Thank you, Mr. Waddell. Could we
22 turn then, gentlemen, next to the case studies
23 themselves. And I would propose, Mr. Roll, to commence
24 with you, if we could, and then to proceed throughout
25 the rest of the panel.

1 As I understand it, Mr. Roll, you will be
2 describing to the Board or highlighting for the Board
3 matters related to the case study prepared by Canadian
4 Pacific Forest Products Limited, Case Study 4A; is that
5 correct?

6 MR. ROLL: A. Yes I will.

7 Q. All right. Well, could you by way of
8 introduction first, Mr. Roll, outline for the Board,
9 only in general terms please, the nature of your
10 company and its operations in the area of the
11 undertaking?

12 A. Yes, I will. Canadian Pacific Forest
13 Products is a large integrated forest products company.
14 It has operations from coast to coast in Canada and
15 produces a wide range of forest products including
16 lumber, newsprint, groundwood specialties, pulp,
17 paperboard and packaging, white papers and tissue
18 papers.

19 This large company was formed in June of
20 1988 by a merger of the Great Lakes Forest Products
21 Company and Canadian International Paper. The Thunder
22 Bay Woodlands Operations which was concerned with the
23 case study area for CP Forest Products is a part of the
24 Great Lakes region of Canadian Pacific Forest Products.

25 These Woodlands Operations supply the

1 Thunder Bay mill complex with wood which produces
2 lumber, newsprint and bleached kraft pulp. We operate
3 on four forest management agreement areas for the
4 purpose of supplying this mill and ensuring the renewal
5 and continued productivity of this land base.

6 We supply annually approximately
7 3.7-million cubic metres to that mill and of this
8 3.7-million cubic metres, 2.5-million cubic metres per
9 year come from these four forest management agreement
10 areas.

11 Q. I am sorry, what was the last number,
12 Mr. Roll?

13 A. 2.5-million cubic metres per year,
14 and that is from the forest management agreement areas.

15 Q. Mr. Roll, as I have indicated to the
16 Board, your resume which is part of the evidence before
17 the Board indicates that you are currently the manager
18 of resource development for the Great Lakes region of
19 your company. In general terms, could you describe to
20 the Board the nature of your duties in that position?

21 A. Yes. I am responsible for developing
22 and maintaining liaison with other forest users as well
23 as with the government agencies on all matters
24 pertaining to planning and to our Woodlands Operations
25 and activities.

1 Q. How long have you held that position,
2 Mr. Roll?

3 A. Since September, 1988.

4 Q. And prior to that what was your
5 position with the company and what were the nature of
6 your duties, again in general terms only please?

7 A. My position was as manager of the
8 Western Division Woodlands. In that capacity I was
9 directly responsible for implementing all timber
10 management activities for our Western Division. The
11 Western Division contained the English River Forest
12 where the case study area is located.

13 The English River Forest was the first of
14 Canadian Pacific Forest Products forest management
15 agreement areas. That forest management agreement was
16 signed in June of 1980. Through my staff I was
17 responsible for the operational planning and the
18 implementation of the timber management operations on
19 that forest management agreement.

20 Q. Who then in your company, Mr. Roll,
21 had responsibility for the timber management activities
22 described in the case study?

23 A. Through my staff I was responsible
24 for that.

25 Q. All right, thank you. And is your

1 case study found at Tab 4A of the case study binder?

2 A. Yes, that's right.

3 Q. All right, thank you. Could you
4 describe to the Board please then where the case study
5 area itself is located in greater detail than what Mr.
6 Waddell has already indicated?

7 A. Yes, I can. The case study area is
8 located in the English River Forest and it represents
9 the jack pine upland site type, and perhaps I could get
10 a slide to illustrate that.

11 Q. All right. Is this slide, Mr. Roll,
12 one of those referred to in the case study and, if so,
13 what number is it?

14 A. Yes, this is referred to in the case
15 study 4A and it's slide 2.1 from that case study.

16 The area of the case study -- I should
17 point out first, in the lower right of the map is the
18 City of Thunder Bay. The area outlined in purple on
19 the upper left part of the map is the English River
20 Forest, and the area of the case study is here at the
21 extreme northwest side of that English River Forest.

22 The case study area is 121 hectares in
23 size and, as I said, it represents the jack pine upland
24 site type. The jack pine upland site type is primarily
25 large, relatively pure stand of jack pine, even age,

1 and they tend to grow on well-drained upland soils.

2 Q. How prevalent is that type of cover
3 type in the area of the undertaking, Mr. Roll?

4 A. This site type occurs extensively
5 throughout the area of the undertaking and up in the
6 specific area of the case study that site type
7 represents approximately 15 per cent of the productive
8 forest land within English River Forest.

9 Q. Perhaps just while you have this map
10 up, could you outline for the Board in general terms
11 the transportation features in the area of the English
12 River Forest and the case study area?

13 A. Yes, I can. Again, I will reference
14 several spots on the map. The City of Thunder Bay, the
15 Town of Ignace, the Town of Sioux Lookout up at the far
16 northwest side of this map.

17 The English River Forest is administered
18 by the northwest region of the Ontario Ministry of
19 Natural Resources and specifically by the Ignace and
20 Sioux Lookout districts. The Ignace district is the
21 lead administrative district and we have dealt with
22 that district on all timber management planning and so
23 on for this area.

24 The main features on the map are the
25 transportation corridor running from Thunder Bay north

1 and west across the map and which hits the lower area
2 of -- the southern area of the English River Forest.
3 This transportation corridor contains Highway 17 which
4 goes right past the airport down here in the City of
5 Thunder Bay and heads west to Dryden and Winnipeg.

6 Also the main CPR, Canadian Pacific
7 Railway line which runs from Thunder Bay northwest and
8 through Ignace, Dryden and on to Winnipeg. Also of
9 interest on the map is the Canadian National Railway
10 line which runs from the City of Thunder Bay again
11 northwest to the town of Sioux Lookout.

12 This line also goes through the English
13 River Forest and that line at Sioux Lookout joins with
14 the main transcontinental line of the Canadian National
15 Railways and on west to Winnipeg.

16 Q. How far is Thunder Bay, Mr. Roll,
17 from the case study area?

18 A. The case study area is approximately
19 335 kilometres from Thunder Bay.

20 Q. All right. And did the case study
21 area -- or perhaps I should ask you about the English
22 River Forest. Does the English River Forest play any
23 role in supplying the mills in Thunder Bay?

24 A. Yes, the English River Forest at the
25 time of the case study in the early 1980s supplied

1 approximately 600,000 cubic metres per year to the
2 Thunder Bay mill complex and this was both jack pine
3 and spruce and balsam for the manufacture of stud
4 lumber, pulp as well as newsprint.

5 The specific camp responsible for the
6 timber management activities in the case study area,
7 camp 328, which is located very close to the case study
8 in this northwest sector of the map, was responsible
9 for producing approximately 200,000 cubic metres per
10 year, all of which was shipped to the Thunder Bay mill
11 complex via the Canadian Pacific Railway line.

12 Q. Are you able, using that map, Mr.
13 Roll, to illustrate for the Board what the primary and
14 secondary roads are that affect the case study area,
15 apart from the overall transportation network?

16 A. I have another slide and this is
17 slide 2.6 from the case study 4A and this map
18 illustrates in a little greater detail the
19 transportation areas right within the case study area.

20 Again, running across from the bottom
21 right across the map is Highway 17, parallelling it is
22 the Canadian Pacific Railway line. At a point
23 approximately halfway across the map there is a road
24 shown, outlined in red, heading north away from Highway
25 17. This is the main access road to the camp 328 in

1 the upper right-hand side of the map as well as the
2 case study area.

3 Just approximately 2 miles north of its
4 junction with Highway 17 this road crosses the Canadian
5 Pacific Railway line and at that point we had
6 constructed a railway spur or a railway piling down and
7 loading yard which was used to transport all the wood,
8 to handle all the wood from the case study area.

9 Primary road heading north from Highway
10 17 approximately 18 miles to the camp 328 area. The
11 bottom portion of that road was constructed by the
12 Dryden Paper Company in the early 1950s and upgraded by
13 our company when we decided to access this area.

14 Q. All right, thank you, Mr. Roll. You
15 kept pointing to the case study area. Is that the top
16 right of the photograph?

17 A. Yes, the case study area is outlined
18 in red at the top right of the map.

19 Q. All right. Can you help the Board
20 generally, Mr. Roll, as to why this particular case
21 study area was selected by you for presentation to the
22 Board?

23 A. Yes, I can. We were looking for
24 examples of the cover type, the upland jack pine cover
25 type. The English River Forest contains many stands of

1 this type and the stands in this particular area were
2 very representative of that type of stand, and also
3 with the forest management agreement having been signed
4 in June of 1980 and these operations being carried out
5 in the early 80s, we were able to use this example to
6 illustrate all aspects of our timber management
7 activities under forest management agreement and also
8 be able to give the Board an idea of the results of
9 those activities. We didn't want to give just part of
10 the story and this allowed us to do that.

11 As well, all the case study examples,
12 because we wanted to ensure that you saw some results,
13 they generally describe a harvesting system from the
14 early 1980s and generally cut and skid conventional
15 operations.

16 Adjacent to this case study area there
17 was an area which was accessed by the same gravel road
18 that was harvested in 1986-87. That area, the road
19 right-of-way in there, was cut using a modern full-tree
20 harvesting operation and it gave us an opportunity to
21 describe some of those activities to the Board. These
22 activities are found in Appendix 5 of case study 4A.

23 Q. That is the modern harvesting system
24 approach is in Appendix 5?

25 A. Yes, that's right.

1 Q. All right. Well, just dealing then
2 with the case study and what was done by your company
3 on it, could you indicate to the Board how many stands
4 or blocks were involved in the case study area and what
5 their characteristics were?

6 A. Yes. I would like map slide 2.7 from
7 the case study 4A. The specific area of the case study
8 was comprised of portions of two stands.

9 The area outlined in red on the map is
10 the area of the case study, approximately 121 hectares.
11 The road shown in red going to the north of the case
12 study, across from right to left, is called the Suzan
13 Road and was a road constructed to access the case
14 study area as well as other areas.

15 The case study area itself roughly
16 divided by this green road line that is shown going
17 through the centre of the red area. The left portion
18 of the case study was stand -- FRI stand 337 and this
19 was described as jack pine -- 90 per cent jack pine, 10
20 per cent black spruce. It was approximately 75 years
21 old at harvest and 55 to 60 feet tall.

22 The other side of the road to the right
23 as you are facing it was stand 400 which was 70 per
24 cent jack pine, 20 per cent black spruce and 10 per
25 cent poplar. This stand was also approximately 75

1 years old at harvest and again it was 65 -- or 55 to 60
2 feet tall.

3 The stand 337 was found on very deep dry
4 sand area with a rolling terrain along with some local
5 pockets of silty sand. Stand 400 on the other hand was
6 again deep soils but it was silty sand boulder till,
7 there was more boulder content to that stand.

8 Q. Can you remind me, Mr. Roll - sorry
9 to interrupt - but in combination, how large is the
10 case study area, those two stands?

11 A. The combination of the portions --
12 these are only portions of those two stands that are
13 located within the case study area. The case study
14 area itself is 121 hectares in size.

15 Q. All right, thank you.

16 A. Both these stands, and in fact most
17 of the stands in the area of the case study, originated
18 with -- from fire; that is, they originated as a result
19 of wild fire in the past and both are jack pine working
20 group. And I would like to show the Board three slides
21 to illustrate stands very similar to the ones in the
22 case study.

23 First of all slide 2.2 from the case
24 study. This slide illustrates a stand very, very
25 similar to stand 337. You can see the jack pine

1 mostly -- almost pure jack pine with a small spruce
2 component in it on very, very well drained soils.

3 Slide 2.3, again from case study 4A.

4 This is a slide of a windthrown tree within a stand
5 very similar to the stand 337. It is showing the --
6 just used to illustrate the sandy nature of the soils
7 in the area.

8 And slide 2.4 from case study 4A. The
9 lighting isn't very good on this slide, but it shows in
10 the middle of the slide what is a burnt relic of the
11 original stand that was from the fire that originated
12 the stand that was there at this point. And this stand
13 was within -- the stand in which these slides were
14 taken was within approximately three miles of the
15 actual case study area, and these stands most likely
16 originated with the same, or from the same fires that
17 caused the creation of the case study area stands.

18 Q. Are there any further slides you wish
19 to show at this point, Mr. Roll, or can we turn the
20 lights back on?

21 A. No slides right now, but I assume we
22 will have an overhead.

23 Q. All right. Well, perhaps before you
24 move to the overhead you could explain at this point to
25 the Board what the time period was when these various

1 activities were undertaken. What time frame are we
2 looking at?

3 A. Yes. The access part of the timber
4 management activities occurred between 1978 and 1980
5 generally. The area was harvested in 1981, the renewal
6 took place in 1982, and our fifth-year assessment was
7 done in 1987.

8 Q. Thank you. And I am sorry, what was
9 the overhead that you wished to show to the Board?

10 A. The overhead concerns the
11 organizational structures of the company at the time of
12 the case study.

13 Q. Could you outline that for the Board
14 then, please? Is this found in the case study itself
15 Mr. Roll?

16 A. Yes. This overhead is Figure 1 which
17 is found on page 5 of case study 4A and it's titled: A
18 Partial Organizational Chart, 1982 Organization Chart
19 Thunder Bay Woodlands.

20 Our organization was changed in 1979-1980
21 with the coming of the forest management agreements to
22 respond to the needs of implementing those forest
23 management agreements and administering them and also
24 to integrate the renewal activities with the harvesting
25 activities that we were normally undertaking at that

1 time.

2 A couple of features that I would like to
3 point out on the map. The entire right-hand side of
4 the chart composes our operational side. What we did
5 at the time of approaching the forest management
6 agreements was integrate onto this side the unit
7 forester who was responsible for all the planning of
8 all the activities of the timber management activities
9 of access, harvest, renewal. We integrated this
10 position into the operations side. We also integrated
11 the regeneration supervision activities into this side
12 of our organizational chart.

13 The dashed lines -- the organization at
14 the left of the chart is our forestry operations side
15 and contains the technical expertise. The dashed lines
16 running across the diagram from the left to right and
17 vice versa are technical reporting lines.

18 So the operational side was responsible
19 not only for the planning of the renewal activities in
20 addition to their traditional harvesting activities,
21 but also for the implementation of those activities.
22 This ensured a rapid integration of the renewal
23 responsibilities with our harvesting, it made for a
24 more efficient operation in combining the two, and it
25 also utilized the operating experience of our operating

1 supervision to ensure efficient renewal operations.

2 Q. And was this the structure of the
3 organization that existed in Canadian Pacific Forest
4 Products at the time of the case study activities, Mr.
5 Roll?

6 A. Yes, it was.

7 Q. All right. Was there, apart from the
8 organizational structure in the company itself,
9 elements of a physical infrastructure that were put in
10 place or that were in place to facilitate the case
11 study activities?

12 A. Yes, there were. Again I would like
13 to turn to some slides.

14 Q. And what slide number will you be
15 referring to, Mr. Roll?

16 A. I would like refer firstly to slide
17 2.6 from case study 4A. The operations described in
18 the case study were supported by both a physical
19 infrastructure and an organizational infrastructure.

20 The physical infrastructure obviously
21 contains such things as the road systems that were
22 already illustrated on this map slide 2.6

23 The next slide is slide 4.1. It
24 illustrates -- it's a slide of a rail spur very similar
25 to the one that was utilized by the camp 328 which was

1 at the -- the one responsible for the activities at the
2 case study. The spur would be very close -- closely
3 located to the main line of the Canadian Pacific
4 Railways and the wood from the spur like this would be
5 taken directly to our mill in Thunder Bay.

6 The next slide, slide 4.2, is an aerial
7 view of camp 328. This aerial view was taken in
8 approximately 1981 which is the time of the case study
9 and I would just like to point out a couple of features
10 while we have the opportunity.

11 This was the camp that was responsible
12 for the carrying out of the activities on the case
13 study area. The camp site itself -- to the left are a
14 number of bunk houses. These particular bunk houses
15 were constructed in approximately 1976 and they were
16 two men to a room bunk houses. Currently all modern
17 facilities are built with one man to a room.

18 Just to the right of that and hidden by
19 the trees there is a recreational complex which
20 consists of areas for playing cards, sauna, pool
21 tables, shuffleboard tables and that kind of thing,
22 television facilities.

23 The buildings in the middle of the photo
24 show at the south end a -- the quarters to be used by
25 the cookery people the people who run the kitchen. The

1 next building towards the top of the picture are the
2 cookery quarters themselves or the cookery itself which
3 contains both the facility for preparing as well as the
4 dining area.

5 The next building is an office used by
6 the camp staff and the final building at the top is the
7 staff quarters.

8 Off on the right-hand side -- the far
9 right the building in the middle of the large cleared
10 area is the main garage, the main camp garage and this
11 facility would be used for any major repairs within the
12 camp area to equipment in the camp area.

13 I would also like to point out the radio
14 aerial which is just off beside the garage yard. All
15 of our camps are supported by a microwave phone system
16 which is a 3-digit dialing direct to Thunder Bay or any
17 camp to any camp as well as by a radio system which
18 links the camp with all pieces of -- most major pieces
19 of equipment in the woodlands area as well as
20 transportation vehicles, supervisory vehicles and so
21 on.

22 Q. Does that complete the slides that
23 you wanted to show at this time?

24 A. No.

25 Q. Okay. What is the next one then, Mr.

1 Roll?

2 A. The next slide is slide 4.3 from case
3 study 4A. This shows an old style camp kitchen at one
4 of our harvesting camps 234. This is one of our older
5 examples, but it was operating and indeed still is
6 operating on one of our forest management agreement
7 areas.

8 The next slide 4.4 is one of the more
9 modern kitchens. This is at our camp 517, it was taken
10 in approximately 1981. These would be the kind of
11 facilities that are found -- would have been found at
12 camp 328 in the case study area and would be found at
13 most modern camp facilities.

14 Slide 4.5 is one of the areas for serving
15 food cafeteria style at the camp and this again is not
16 the camp 328 but is a camp very, very similar to it.

17 The next slide 4.6 from case study 4A is
18 an eating area at camp 517. Again very, very similar
19 to what would have been found at camp 328 at the time
20 of the case study.

21 Slide 4.7 is a view of bunk houses at our
22 camp 603. These are identical to the ones that were
23 found at camp 328 in the case study area.

24 Slide 4.8 is interior view of a camp
25 forester's office, this one was at camp 702, again

1 extremely similar facilities to what would have been
2 found at camp 328 and I believe that the Board may
3 remember seeing facilities like this during their
4 Kapuskasing site visit.

5 The slide 4.9 is interior view of the
6 main garage at camp 328. As I said they were well
7 equipped for handling any and all major repairs to
8 equipment.

9 Slide 4.10 is a view of a field garage.
10 This particular one is at camp -- at our camp 702 and
11 was a full-tree feller forwarder garage set up.
12 However, it is -- it's very similar to what would have
13 been used at the time of the case study and it consists
14 of a tent-like facility at the left-hand side of that
15 picture into which equipment could be driven in the
16 winter and get our mechanics and equipment out of the
17 elements during repair.

18 Q. What was the surface organization
19 that applied at this camp, Mr. Roll, during the time of
20 the case study timber management activities?

21 A. Again, supporting all the activities
22 at this camp was a full organizational infrastructure
23 in our Thunder Bay -- in and around our Thunder Bay
24 mill complex. Some of the supporting activities would
25 be the ones provided by a purchasing department, by a

1 forestry department that would provide all the maps and
2 services required of the field foresters, a
3 construction department for advice and direction on
4 road construction and bridge construction and so on,
5 personnel department to help us supply manpower of all
6 types to our field operations, accounting department,
7 training department, scaling department for ensuring
8 the correct measure of wood, and then we also had a
9 complete Woodlands garage set up which is just out
10 Highway 17 past the airport a little way, going west
11 out of Thunder Bay, and that facility is an extremely
12 modern facility equipped to do all repairs and in fact
13 some light manufacturing, and that is also supported by
14 a full parts department and any auxilliary services
15 required.

16 Q. How many people were employed at camp
17 328, Mr. Roll, during the time of these activities?

18 A. Full-time employees year round would
19 be approximately 90.

20 Q. How many people could the facility,
21 that is camp 328, house altogether?

22 A. At maximum it could house up to 120
23 people. The workforce fluctuated according to need,
24 and obviously during the summer there were regeneration
25 activities as well as road construction activities that

1 required more manpower.

2 Q. And do you know where the personnel
3 came from, were they all from the Thunder Bay area?

4 A. No, camp 328 located in the far
5 northwest portion of the English River Forest drew many
6 of FR's employees from that area. It was a matter of
7 approximately 50 miles from Dryden and many of our
8 employees came from Dryden, but also from Sioux Lookout
9 from Ignace and many of the small communities in that
10 area.

11 There were some however that did come out
12 of Thunder Bay and municipalities around Thunder Bay.

13 Q. And how does that employment
14 situation at the camp compare to the employment
15 situation in the Thunder Bay Woodlands Division?

16 A. The total -- the current total
17 Thunder Bay Woodlands employment stands at around the
18 900 mark to supply the mill, and these 900 people are
19 supporting a further approximately 2,000 that are
20 employed at our Thunder Bay mill complex.

21 Q. Are the 900 full-time or part-time or
22 seasonal or some combination?

23 A. There may be some combination, but
24 essentially full-time employees.

25 Q. And what about the 2,000 people at

1 the mill complex?

2 A. Full-time employees. Currently there
3 is some construction activity at our mill. There is a
4 new thermomechanical pulping mill being constructed,
5 they're well into construction for that. There is a
6 secondary effluent treatment facility being constructed
7 as well as a new newsprint machine.

8 Q. All right. I am sorry, I interrupted
9 you, Mr. Roll. Were there any other slides you wished
10 to show at this time or can we turn the light back on?

11 A. No, the lights can go on.

12 Q. All right, thank you. Can I ask you
13 then to turn next, if you would, Mr. Roll, to the
14 actual timber management activities that were
15 undertaken on this case study area. And I am going to
16 ask that you start first with access, if you would, and
17 if you would explain and outline for the Board what the
18 access options were for the case study area and then
19 what in fact was done to provide access?

20 A. Yes. In a little history. In 1975
21 an additional kraft mill was constructed as well as a
22 stud mill at our Thunder Bay mill complex. The general
23 area of the case study area; that is, the western part
24 of the English River Forest, was one of the areas
25 chosen to supply the volumes required by these mills.

1 Several factors were -- determined the
2 access and camp location options available for that
3 area. There were obviously the location of the mill in
4 relation to the general wood supply, the area of the
5 wood supply. Also, the location and nature of the
6 stands, the wood supply within area of the English
7 River forest.

8 - Other considerations were the existing
9 infrastructure of roads, of highways and of railways.
10 The final consideration, and by no means the least,
11 were terrain and ground conditions found in the general
12 area to be accessed.

13 Q. What then were the general options
14 available to provide access and what was in fact
15 actually done?

16 A. I would like to go back to the map
17 slide 2.6 to be able to illustrate this.

18 This is map slide 2.6 from the case study
19 4A. Some of the basic concerns about accessing this
20 area were that the mill was located, again, in Thunder
21 Bay off to the southeast, so any movement of wood
22 should generally be towards that area. That was a
23 primary consideration once it was determined that the
24 wood supply was sufficient to support the operations.

25 The second thing we looked at very

1 generally were the locations of the existing
2 infrastructure and, again, I point out the main Highway
3 17 across the bottom of this map, paralleling the
4 Canadian Pacific Railway. We had operations on the --
5 that were using the Canadian Pacific Railway to
6 transport wood to the mill all ready in place at Ignace
7 and at Martin which is approximately 50 kilometres east
8 of Ignace. So it was natural that we would use that
9 same transportation route for volumes coming from this
10 area.

11 There was an area where the old Dryden
12 paper road crossed the Canadian Pacific Railway that
13 was ideal for construction of a railway spur, a spur
14 line and pile-up facilities. So those were the primary
15 considerations.

16 Further, the red portion of the road
17 running north from Highway 17 was an old Dryden paper
18 road that had been built back in the 50's or before.
19 The location for that road was sound, the roadbed was
20 relatively sound, so we made the decision that seeing
21 it was already there we would utilize that part of the
22 road and we upgraded it in order to access the general
23 camp location and the general timber volumes in the
24 area of the case study.

25 Once the road -- and the road goes into

1 the camp location and well established. I guess the
2 basic scenario for wood supply was that the wood was
3 off to the -- the mature volumes of wood was goes off
4 to the west the camp, to the north of the camp and to
5 the east of the camp. So road construction was started
6 into those areas from the camp and what we essentially
7 had then was a wheel with four spokes, three of which
8 accessed wood supply and one of which provided a
9 transportation route for the wood from the camp, as
10 well as a transportation route for men, materials into
11 the camp.

12 The Suzanne Road, which I had pointed out
13 to you earlier on the larger view of the slide, was
14 constructed by approximately 1980 to a point near the
15 case study area. The Suzanne Road was constructed to
16 access volumes beyond the case study area; that is, to
17 the west and north of the case study area, as well as
18 the case area study would. The Suzanne Road formed one
19 of the spokes that would eventually supply the camp
20 with wood.

21 As well, what I would call a low, very
22 low, extremely low quality gravel road was built south
23 from the Suzanne Road into the case study area which is
24 outlined in red on this map. That road was built
25 directly for accessing the case study area at the time

1 of harvest, but it was also subsequently used to access
2 an area just south of the case study in another block
3 cut during 1987.

4 Q. Sorry to interrupt, Mr. Roll, but
5 apart from that, what you've described as that low
6 grade gravel road, were any other roads actually
7 constructed for the purposes of the activities on the
8 case study area?

9 A. Yes, there were. There were tertiary
10 roads constructed within the area of the case study
11 to -- in order to access the timber for harvest and for
12 renewal of that land base.

13 I have four slides that I would like to
14 present that have to do with the current situation on
15 that road system in the case study area.

16 Q. All right. What is the first one,
17 please?

18 A. The first one is slide 9.1 from case
19 study 4A. This slide is an overview of the case study
20 area and we are looking from east across -- east to
21 west across the case study area, across the widest part
22 of the case study area. This photo was taken in June
23 of 1989.

24 The road that runs from the right-hand
25 side across to the left-hand side of the picture is the

1 main gravel road, what I called the very low class
2 gravel road that accessed this area originally. The
3 other road that runs from approximately the middle of
4 the slide and down to the lower left is one of the
5 tertiary roads that was built and wasn't scarified and
6 renewed at a time of renewal.

7 You can see in this slide that many of
8 the tertiary roads that were found within this area are
9 now -- have now been renewed during that renewal
10 activity and subsequent in growth.

11 The next slide is slide 5.1 of case study
12 4A. This is a ground view of that main access road,
13 that low class gravel road. That's as it looked in
14 June of 1989.

15 Slide 5.2 is a view of a tertiary road
16 and just to the right middle of the picture you can see
17 an individual standing there, that would be on the
18 location of that gravel road -- or of that tertiary
19 road, I'm sorry.

20 Slide 5.3 --

21 Q. I' sorry, Mr. Roll, just before you
22 move on. When was the photograph 5.2 taken?

23 A. In June of 1989.

24 Q. And is this actually on the case
25 study area or elsewhere?

1 A. This is actually on the case study
2 area.

3 Q. Thank you.

4 A. Slide 5.3 is another tertiary road
5 location and, again, the individual standing in the
6 middle of this slide is on location of that tertiary
7 road. These roads would have been scarified and seeded
8 at the time of renewal.

9 Slide 5.4. This area in the immediate
10 foreground is the edge of a gravel road, gravel access
11 road into this area. The area immediately behind it
12 was an area that was used to - what we call - borrow
13 material or to take material for the construction of
14 the road. This area also shows the growth of young
15 jack pine.

16 Q. Was that taken on or near or
17 elsewhere in relation to the case study area?

18 A. This was taken on the case study area
19 in an area adjacent to that gravel access road.

20 Q. And when was it taken?

21 A. In June of 1989.

22 Q. In terms of the growth in the
23 background, would that have been present throughout the
24 case study activities?

25 A. No, that growth is jack pine

1 subsequent to the case study activities.

2 Q. All right. Thank you. Does that
3 complete your slides with respect to access then, Mr.
4 Roll?

5 A. Yes, it does.

6 MS. CRONK: I should say, Madam Chair,
7 Mr. Martel, that I have been made aware by Mr. Cassidy
8 the number of issues that arose at the scoping session
9 as they relate to the access provisions of this case
10 study and the witnesses from Canadian Pacific who will
11 be testifying later this week on the access panel will
12 be dealing specifically with those issues.

13 Q. Could we turn then --

14 I am sorry, Madam Chair, did you say 2:10
15 or 2 o'clock?

16 MADAM CHAIR: 2:10.

17 MS. CRONK: Fine.

18 Q. Could we turn then, Mr. Roll, to
19 harvesting, the next timber management activity and
20 again could you outline for the Board please -- perhaps
21 I should ask you first.

22 What factors influenced or had some
23 relevance to the determination of harvesting options on
24 the case study area?

25 MR. ROLL: A. There were a number of

1 factors which influenced the options available to
2 harvest this area. Perhaps the first one was the
3 management practices at the time. All the wood that
4 was transported to our Thunder Bay mill complex was
5 done so as 240 -- or 254 centimeter long wood. That
6 was a shortwood system, and all of our transportation
7 systems were set up to handle that, as well as the wood
8 handling facilities at the mill and the wood room and
9 so on at the mill. So any system that we used in our
10 woodlands would have to supply that kind of wood.

11 Also, we required suitable stud log
12 material to supply our stud mill in Thunder Bay.
13 Another factor were the site conditions in general
14 over the entire management area. They definitely
15 influenced the options available to us.

16 Also, the harvesting equipment that we
17 had available at the time. This was subject to the
18 state-of-the-art at the time and the options available
19 to us in our English River forest at the time were
20 mechanical shortwood harvester operation and the
21 conventional tree-length cut and skid operations.

22 Q. All right. Just stopping there, Mr.
23 Roll. Briefly what is -- can you remind us what
24 mechanical shortwood harvesting is?

25 A. Yes. The specific kind of equipment

1 that we had there was the Kohring shortwood harvester
2 which basically fells the tree and processes it at the
3 stump and delivers the wood in shortwood form to the
4 roadside. Mr. Oldford during Panel 10 described such
5 equipment.

6 Q. And compare that for me, if you
7 would, please, to tree-length cut and skid?

8 A. The conventional tree-length cut and
9 skid operation utilizes a feller at the stump with a
10 power saw who fells the tree, delimbs and tops it. The
11 trees are then removed to the roadside by an
12 articulated wheel skidder.

13 Q. What option was in fact utilized on
14 the case study area?

15 A. Cut and skid tree-length was selected
16 and the reasons for that will be dealt with in the
17 harvest panel.

18 Q. All right. Very briefly before we
19 break, Mr. Roll, can you indicate how much timber was
20 actually harvested from this area; that is, the case
21 study area?

22 A. Yes. It's difficult to come up with
23 a specific figure, but I would estimate that
24 approximately 18,000 cubic metres of wood were -- jack
25 pine were harvested from this area and a small amount

1 of black spruce.

2 Q. And again, sir, when was that?

3 A. That was during 1981.

4 Q. And how was that wood used?

5 A. That wood was transported to our
6 Thunder Bay complex. The jack pine was utilized in the
7 production of stud lumber and bleached kraft pulp and
8 the black spruce was utilized in the newsprint mill.

9 Q. All right.

10 MS. CRONK: Madam Chair, would this be a
11 convenient time for the break?

12 MADAM CHAIR: Yes. Thank you, Ms. Cronk.

13 MS. CRONK: Thank you.

14 MADAM CHAIR: We will be back at 2:30.

15 MS. CRONK: Thank you.

16 ---Recess taken at 2:10 p.m.

17 ---On resuming at 2:35 p.m.

18 MADAM CHAIR: Please be seated.

19 MS. CRONK: Madam Chair, Mr. Martel
20 before we resume, I have been asked by Mr. Cassidy to
21 raise a procedural matter.

22 Our approximate estimates of time for the
23 overview evidence which we will be presenting to you
24 will take us until late tomorrow morning or early
25 tomorrow afternoon, somewhere in there. With that in

mind, he wishes to inquire, if that estimate proves to be accurate, early afternoon tomorrow, whether the Board wishes to proceed immediately with the access panel because there are some out-of-town witnesses who we will arrange to have here if that's the case, and I indicated I would raise the matter with the Board.

MADAM CHAIR: Yes, we would.

MS. CRONK: Thank you very much.

MR. CASSIDY: Thank you.

MS. CRONK: Q. Mr. Roll, could I ask you to turn next then, if you would please, to the renewal activities that were undertaken on the Canadian Pacific case study area and could you outline for the Board, as you did with respect to access, what the various renewal options were and then what in fact was done?

MR. ROLL: A. Yes, Ms. Cronk. Before I do that, I would like to turn back to two of the slides in the access portion of the case study.

Q. All right, fine. Which are they?

A. They are slides 5.2 and 5.3. This is slide 5.2 from the access panel -- or the access portion of our case study and it just points out the condition of a tertiary road in June of 1989, as does slide 5.3.

I would just like to ensure the Board's

1 understanding that what we are talking about here are
2 roads -- tertiary roads that were constructed
3 specifically for the timber management activities on
4 this case study block and they are tertiary roads and
5 this is seven years after the renewal activities had
6 taken place. I just wanted to make sure that that
7 point was understood.

8 Q. All right. Thank you, Mr. Roll.

9 A. I have no further slides at this
10 time.

11 Q. All right. Thank you.

12 Could somebody turn the lights back on
13 then, please.

14 Could you then proceed to renewal and
15 outline, if you would, please, for the Board what the
16 renewal options were in the case study area and then
17 again what, in fact, was done, and I will get the
18 machine?

19 A. I think we could have the lights down
20 too, please, again. If you can turn off of the slides,
21 Ms. Cronk.

22 Q. I will confess, Mr. Roll, I was
23 afraid if I turned it off you would never get it back
24 on again, so I was going to ask Mr. Shibitani to care
25 of it. Thank you.

1 MR. ROLL: I have an overhead that I
2 would like to use to illustrate the renewal options
3 that were available. This overhead is from the
4 Appendix 1 of case study 4A. It is found -- the
5 Appendix 1 begins on page 50 and this is the second
6 page into those tables.

7 Q. What does Appendix 1 represent, Mr.
8 Roll?

9 A. They are the silvicultural
10 groundrules for the -- that were in the place in the
11 case study area during the time of the timber
12 management activities, and I am referring to the second
13 table into that part of the appendix and I wanted to
14 illustrate that we are working on the table in the
15 upper left with the jack pine working group, is the
16 present working group on these sites.

17 Q. I am sorry, Mr. Roll, I'm sorry to
18 interrupt. When you said the second table, do you mean
19 or second table or page 2 of Table 1?

20 A. Page 2 of that appendix.

21 Q. Sorry to interrupt.

22 A. The present working group is jack
23 pine. The site description found along the left-hand
24 side of that table is deep mineral soil, sands and
25 gravels. They applied specifically to the stands of

1 the case study. They indicated the silvicultural
2 system is clearcut, the proposed working group is jack
3 pine, jack pine is in column 2, the silvicultural
4 system clearcut is in column 3 and in column 4 it
5 indicates the options for renewal, and they were site
6 prepared and leave for natural, which are cones from
7 the slash, cones and seeds from the slash, site prepare
8 and direct seed with jack pine or site prepare and
9 plant.

10 Q. And what option was, in fact, chosen
11 here?

12 A. The option chosen here was site
13 prepare and direct seed, and in 1982 a Bracke two-row
14 scarifier was used on this area and along with
15 simultaneous direct seeding of jack pine.

16 Q. What do you mean, Mr. Roll, by
17 simultaneous seeding of jack pine?

18 A. The Bracke scarifier is a piece of
19 equipment that when pulled behind a skidder, some type
20 of a prime mover, creates a scalp or a small area of
21 mineral soil and is capable of, at the same time,
22 simultaneously dropping seed out of a hopper contained
23 on the piece of equipment on to that site prepared
24 area.

25 Q. And has any tending been done to date

1 on the case study area?

2 A. There has been no tending done to
3 date on the case study area. The periodic checking,
4 including the fifth year stock assessment, indicated
5 that competition has not really been a problem on this
6 site. Conifer stocking, total conifer stocking is 50
7 per cent and it's not suppressed and very little of the
8 the poplar on the area is in a dominant condition;
9 therefore, currently there is no tending required on
10 that site.

11 Q. What were the tending options that
12 were available had it proved to be the case that
13 tending was regarded as necessary?

14 A. The full range of options included
15 the no-treatment option, aerial spray with herbicide,
16 ground spray with herbicide, manual release with
17 herbicide or manual release without herbicide.

18 Q. Will a representative of your
19 company, Mr. Roll, be testifying on the Industry's
20 renewal panel with respect to the direct seeding
21 renewal effort that you have indicated took place?

22 A. Yes.

23 Q. All right. And you indicated that
24 that direct seeding effort took place with site
25 preparation in 1982. Did I hear that correctly.

1 A. Yes, that's correct.

2 Q. All right. Has a fifth-year stocking
3 assessment been conducted on this area?

4 A. Yes, a fifth-year stocking assessment
5 was conducted in 1987. Success or failure, as
6 described in the groundrules, depended on this
7 measurement. I would like to use an overhead to
8 describe the summary of those results.

9 Q. I should ask you first, Mr. Roll,
10 with respect to this overhead, are these results set
11 out in the case study?

12 A. Yes, they are.

13 Q. All right.

14 MS. CRONK: To assist the Board in that
15 regard, they are at page 44 of the case study document.

16 Q. What then were the results, Mr. Roll?

17 A. The fifth-year stocking results were
18 45 per cent stocking to jack pine, 7 per cent stocking
19 to black spruce, 28 per cent stocking to poplar and the
20 combined conifer stocking of jack pine and spruce was
21 at 50 per cent. This stocking of jack pine at 45 per
22 cent meets and exceeds the stocking requirements in the
23 groundrules of 40 per cent.

24 Q. Are you in a position, Mr. Roll, to
25 illustrate for the Board what the actual conditions are

1 on the ground now on the case study area as it has been
2 renewed?

3 A. Yes, I am. I have a number of slides
4 that I can use to illustrate that.

5 Q. What is the first slide number that
6 you will be referring to, Mr. Roll?

7 A. The first slide number that I will be
8 referring to here is slide 9.1 from case study 4A. It's
9 an aerial view again that we saw earlier from east to
10 west across the area of the case study.

11 It shows some jack pine, along with
12 poplar regeneration in the foreground and as we move
13 towards the background the green areas are jack pine,
14 regenerated jack pine on that site.

15 The next slide that I have is 9.5. This
16 slide shows regeneration from a ground level. This
17 jack pine regeneration is approximately two metres
18 high. I should also point out that in this photo you,
19 by looking at the tops of those jack pine, you can see
20 the row effect of the Bracke. As the Bracke is pulled
21 along it makes two rows of scalps with the seed being
22 dropped on them, and in this photo you can see the row
23 effect as those trees are growing.

24 Also in this slide, perhaps you can see
25 that the jack pine have the red flowers on them and

1 those flowers are somewhat the reason for the reddish
2 hue to this photo. These photos were taken in June of
3 '89.

4 Q. This photo being again 9--

5 A. 9.1.

6 Q. --1. Thank you.

7 A. This is photo 9.6 from the case study
8 4A and this was also taken in June of 1989. It shows a
9 young pack pine and the fact that even some seven years
10 after establishment that there are continuing
11 volunteers ingrowing into these stands.

12 This is slide 9.7 and it shows a spruce
13 volunteer. Again, it was taken in June of 1989.

14 Q. Could you go back, Mr. Roll, two
15 slides back. My note said it was 9.5. How tall are
16 those trees?

17 A. Approximately two metres.

18 Q. Thank you.

19 MS. CRONK: Madam Chair, it occurred to
20 me that I perhaps should file copies of the overhead of
21 results to which Mr. Roll has referred and I would ask
22 that that be the next exhibit. Although the
23 information is in the case study, it was just presented
24 in a different way here.

25 MADAM CHAIR: Exhibit 1108.

1 MS. CRONK: (handed)

2 MADAM CHAIR: Thank you.

3 ---EXHIBIT NO. 1108: Slides depicting actual
4 ground conditions after renewal
in case study area 4A.

5 MS. CRONK: Q. Mr. Roll, referring
6 specifically to the fifth-year stocking results that
7 you've outlined for the Board, was Canadian Pacific
8 satisfied with the results as evidenced by that
9 assessment?

10 MR. ROLL: A. Yes, we were very pleased
11 with the results. They indicate more than minimum
12 stocking in this area. We actually did another
13 stocking assessment last year and it showed that
14 conifer stocking was up to 55 per cent. We are very
15 pleased with the vigorous young stand of jack pine
16 that's now on that site.

17 Q. Could you then summarize or outline
18 very briefly, if you would, please, what you regard as
19 the pertinent features of this case study and the
20 factors that you think it would be useful to be kept in
21 mind about this case study in light of subsequent
22 evidence that is going to be presented to the Board?

23 A. Yes. The case study was designed to
24 show an example of timber management activity on upland
25 jack pine site type. This is a typical case of summer

1 upland logging on such a site followed by artificial
2 regeneration.

3 The cover type is found extensively
4 throughout the area of the undertaking and is found --
5 and forms a major part of the English River Forest
6 cover types, that it covers over 15 per cent of the
7 English River Forest. 121 hectares was harvested in
8 1981 using conventional tree-length cut and skid
9 methods and these -- following the harvest, the wood
10 was slashed at roadside and delivered to our mill in
11 Thunder Bay.

12 Renewal of this area took place in 1982
13 utilizing a Bracke two-row scarifier along with
14 simultaneous and direct seeding.

15 No tending has been done to date based on
16 assessments made to date, although assessments are
17 continuing.

18 Fifth year stocking assessment were
19 conducted, the results were jack pine at 45 per cent,
20 spruce -- black spruce at 7 per cent and a combined
21 conifer of 50 per cent. This stocking level meets the
22 40 per cent minimum acceptable levels within the forest
23 management agreement.

24 We have learned during the carrying out
25 of these activities -- these activities were carried

1 out early in the forest management agreement, in the
2 life of that forest management agreement, and we have
3 learned from what we have done here. Our current
4 operations and the nature of our current operations
5 reflect this learning. Some of these -- some of this
6 learning will be discussed in the renewal panel.

7 Approximately 18,000 cubic metres of
8 forest products, jack pine and spruce that were removed
9 from this area were utilized at our Thunder Bay mill to
10 make products such as softwood lumber, pulp and
11 newsprint.

12 Q. And then finally Mr. Roll,
13 recognizing that the renewal effort, the seeding that
14 you have described took place in 1982 and that results
15 were measured, as you have indicated in 1987 in the
16 fifth-year assessment, do you expect those results to
17 change or to improve over time?

18 A. The evidence is that it is improving
19 over time. The 1989 survey conducted two years after
20 the fifth-year survey would indicate an additional 5 per
21 cent combined conifer stocking and that's evidenced
22 from the slides that I showed indicating continuing
23 volunteers.

24 Q. What then is the best information
25 that the company has today regarding the conifer

1 stocking situation on the case study area? What
2 percentage?

3 A. 55 per cent.

4 Q. All right. Thank you very much, Mr.
5 Roll.

6 Mr. Gemmell, could I turn then next to
7 you, if we might, and as I understand it you will be
8 dealing with case study 4D prepared by Abitibi-Price in
9 the Iroquois Falls area; is that correct?

10 MR. GEMMELL: A. That's correct.

11 Q. And it deals, as I understand it,
12 with the black spruce -- management in the black spruce
13 Clay Belt area of the area of the undertaking?

14 A. That's correct, Ms. Cronk.

15 Q. All right. You, of course, are
16 aware, Mr. Gemmell, that Mr. Macdonald of your company
17 has testified before the Board regarding your company's
18 activities.

19 Bearing that in mind, could you provide
20 in general terms an introduction of the type of
21 activities which Abitibi-Price carries on specific to
22 the Iroquois Falls area?

23 A. The Board will recall that in Panel 1
24 Mr. Macdonald described the manufacturing activities of
25 Abitibi-Price on a company-wide basis. He indicated

1 that Abitibi-Price is the largest newsprint producer in
2 North America with eight mills and a capacity of about
3 1.9-million tonnes of newsprint per year. One of these
4 paper mills is located at Iroquois Falls.

5 Q. I'm sorry to interrupt, Mr. Gemmell,
6 some people are having some trouble hearing you, could
7 you move the mike a little closer.

8 A. One of these papers mills is located
9 at Iroquois Falls and my presentation today is specific
10 to that operation.

11 And to start, I would like to just
12 indicate on the map of Ontario the location of Iroquois
13 Falls. We are now moving to the far east of Ontario to
14 the Iroquois Falls Forest. This is case study 4D. The
15 area is outlined or coloured in yellow. The Iroquois
16 Falls Forest is adjacent to the Quebec border and the
17 red arrow indicates -- points to the case study area
18 within the Iroquois Falls Forest.

19 Q. And you are referring for the record,
20 Mr. Gemmell, to Exhibit 1105?

21 A. That's correct.

22 Q. All right.

23 A. To continue with the description of
24 Iroquois Falls, the Iroquois Falls mill has the
25 capacity to produce approximately 285,000 tonnes of

1 newsprint annually. One paper machine was built in
2 1983 which replaced five old paper machines and it
3 produces about 65 per cent of the total, while two
4 older machines produce the remainder.

5 Approximately 800,000 metres of wood
6 furnish is required annually to operate the mill. The
7 wood furnish comes from three sources: purchased
8 roundwood represents about 27 per cent, purchased chips
9 at about 35 per cent and, finally, roundwood from the
10 company operations on the Iroquois Falls Forest amounts
11 to 38 per cent or about 3000,000 metres.

12 The company's operations take place on
13 the Iroquois Falls Forest which is one of the two FMA
14 licences operated by Abitibi-Price in Ontario.
15 Iroquois Falls Forest is situated entirely within the
16 area of the boreal forest identified as the northern
17 Clay Belt.

18 The Iroquois Falls mill produces
19 newsprint and black spruce is the preferred species to
20 make this newsprint and, thus, black spruce management
21 is the priority within the Iroquois Falls Forest.

22 Q. Mr. Gemmell, as I recall your resume,
23 you hold currently the position with Abitibi-Price of
24 Assistant Logging Superintendent for the Iroquois Falls
25 District; is that correct?

1 A. That's correct.

2 Q. Could you outline for the Board,
3 please, again simply in general terms, what the nature
4 of your duties and responsibilities are in that
5 position?

6 A. I can. My responsibilities include
7 the planning, organizing and implementation of the
8 operational activities for timber management for the
9 company operations on the Iroquois Falls Forest.

10 These duties include operations in
11 access, harvest and renewal. A major part of my duties
12 is to work as a team with the logging superintendent
13 and the camp foreman to accomplish our operating
14 targets. As well, my responsibilities include working
15 closely with our forestry department to ensure that the
16 operations are carried out according to the approved
17 timber management plan.

18 Q. Who within your company, Mr. Gemmell,
19 is responsible for the planning and implementation of
20 the timber management activities in your case study?

21 A. I was responsible for the timber
22 management activities on the case study, as well as
23 other staff who were there at the time and are still
24 present, both the logging superintendent and the
25 management forester.

1 Q. Now, you have indicated for the Board
2 on Exhibit 1105 where the Iroquois Falls Forest is
3 located and where your case study area is located.

4 Can you assist as to where the Clay Belt
5 area is in the area of the undertaking, again
6 generally?

7 A. Yes, I can, and for that purpose I
8 would like to show a slide, slide 1.1.

9 The entire Clay Belt region occupies an
10 area which is split almost equally between Ontario and
11 Quebec and the slide indicates the portion of the Clay
12 Belt in red which is within the Province of Ontario.
13 The Clay Belt stretches in Ontario from the Quebec
14 border westerly to approximately Hearst.

15 The total area of the Clay Belt within
16 Ontario is approximately 50,000 square kilometres and
17 that represents about 10 per cent of the undertaking.

18 Q. And where within that Clay Belt
19 district does the Iroquois Falls Forest lie?

20 A. I can best illustrate that with
21 another map.

22 MADAM CHAIR: Excuse me. Ms. Cronk. Is
23 this slide in the text of the case study?

24 MS. CRONK: Mr. Gemmell, can you help me
25 with that? I understood that it was. Is this

1 particular slide part of the photographs--

2 MR. GEMMELL: That's correct.

3 MS. CRONK: --or slides in the case
4 study?

5 MR. GEMMELL: This is slide 1.1.

6 MADAM CHAIR: Thank you.

7 MS. CRONK: Case study 4D, Madam Chair.

8 MADAM CHAIR: Thank you.

9 MR. GEMMELL: This is a map of the Clay
10 Belt area. On the far right next to the Quebec border
11 the is Abitibi-Price Iroquois Falls area, the FMA,
12 forest management agreement.

13 MS. CRONK: Q. Can you just indicate
14 where that is, Mr. Gemmell?

15 MR. GEMMELL: A. It's to the extreme
16 right. In the southwest corner is the Town of Iroquois
17 Falls and that is where the mill is located.

18 The black line that travels across the
19 map is Highway 11 and Highway 11 bisects the area of
20 the Clay Belt and the various towns that pass through
21 and are along the stretch of Highway 11 are Cochrane,
22 Smooth Rock Falls, Kapuskasing and Hearst, all of which
23 are in the middle of the Clay Belt area. All of these
24 towns are highly dependent on the forest industry for
25 their economic well being.

1 Q. How far, Mr. Gemmell, just for
2 example, is the Town of Hearst to the case study area?

3 A. The distance between the case study
4 and Hearst would be approximately 250 kilometres.

5 Q. All right. And did you prepare or
6 have this map prepared for the purposes of your
7 evidence before the the Board?

8 A. That's correct, I did.

9 MS. CRONK: Madam Chair, could that be
10 the next exhibit, please?

11 MADAM CHAIR: Yes, that will be Exhibit
12 1109.

13 ---EXHIBIT NO. 1109: Map depicting the Clay Belt area.

14 MS. CRONK: Q. Mr. Gemmell, could you
15 describe for the Board, please, the characteristics of
16 the Clay Belt area that you have delineated on Exhibit
17 1109.

18 MR. GEMMELL: A. I can. The Clay Belt
19 is unique to northeastern Ontario and is characterized
20 by gentle rolling topography, fine textured clay soils,
21 slow moving water and black spruce and, generally
22 speaking, approximately 50 per cent of the Clay Belt --
23 half contains peat soils.

24 And perhaps I could illustrate by means
25 of a number of slides which are part of the case study.

1 These would be slides 1.2, 1.3, and 1.4.

2 This is the lowest site. These are the
3 deep sites, deep peat sites, poorly drained, can be
4 best described as the bottom of the bowl if you
5 consider the bowl is the clay.

6 In the middle of the slide is scattered
7 stag spruce -- stagnant spruce, it's unmerchantable,
8 and there is a subtle grade upwards into site class 3
9 spruce, which is the first of the merchantable spruce
10 that can be harvested, and upward again into site class
11 2.

12 So the thicker areas are the areas of the
13 site class 2 black spruce which is very typical of the
14 Clay Belt area.

15 Q. And this is slide No. ...?

16 A. This is slide No. 1.2.

17 Q. All right. Are you able to assist as
18 to what proportion of the Clay Belt is characterized by
19 this type of site, the kind of site represented in this
20 slide?

21 A. Yes. This low type of site is
22 approximately 50 per cent of the spruce working group
23 in the Clay Belt and in terms of the whole Clay Belt it
24 would represent about 40 per cent of all working
25 groups.

1 Q. Thank you.

2 A. We go from the very low sites to the
3 gently rolling topography and the fuzzy areas are
4 really mixes of poplar and spruce mainly. These are
5 the upland sites and are the rich productive sites in
6 the Clay Belt. The upland spruce and poplar sites
7 represent about 50 per cent of the total working groups
8 of the area.

9 Again the rolling topography. The upland
10 sites can grade down into lower areas, and again this
11 would be similar to the areas in slide 1.1 which is the
12 peat sites again. So we have very gently rolling
13 topography.

14 The final slide is slide 1.4, and this is
15 an aerial shot of what we call an esker system and the
16 esker systems are geological formations. They are long
17 sinuous areas that run generally north and south, they
18 are glacial deposit and these areas represent about
19 five per cent of the Clay Belt and they are the areas
20 which contain the gravel, and the gravel is the source
21 of material which is very much required in the Clay
22 Belt to construct roads.

23 Q. All right, thank you, Mr. Gemmell.
24 Are there any further slides you wish to show at this
25 time?

1 A. No, there are not.

2 Q. Do I understand correctly from what
3 you have said Mr. Gemmell then, that in your area of
4 the province, and specifically the Clay Belt, there are
5 really these two types of sites; the upland and the
6 lowland that you have described?

7 A. That's correct. Basically that is
8 the type of sites which I will illustrate in the rest
9 of this presentation.

10 Q. And can you help the Board as to the
11 size of the Iroquois Falls Forest first, and then the
12 size of the case study area itself that is under
13 consideration in this case study?

14 A. Yes, I can. The Iroquois Falls
15 Forest is approximately 9,500 square kilometres and out
16 of that there are 7,300 square kilometres of productive
17 forest land. Within Iroquois Falls Forest is the case
18 study area itself which is 266 hectares.

19 Q. And why in particular, Mr. Gemmell,
20 was that case study area selected by you for
21 presentation to the Board?

22 A. The case study area has a number of
23 features which stood out when we sought out good
24 examples, one of which is the fact that the case study
25 area contains a hundred per cent black spruce working

1 group and black spruce working group in the Clay Belt
2 represents -- is represented by about 80 per cent -- or
3 represents about 80 per cent of the working group of
4 the Clay Belt.

5 Also the case study area supplied a
6 direct comparison of management of upland black spruce
7 as compared to lowland black spruce. And the case
8 study is a typical example of operations at or within
9 camp 33 area. And, finally, the case study area was
10 harvested and renewed when the forest management
11 agreement was first signed and, therefore, visible and
12 measurable results are available.

13 Q. When was the forest management
14 agreement for the Iroquois Falls Forest first signed?

15 A. The forest management agreement was
16 signed in April, 1980.

17 Q. And you referred a moment ago to camp
18 33. Can you help me as to what that is and generally
19 how it's relevant to what you will be describing for
20 the Board?

21 A. Yes. Camp 33 was the live-in camp at
22 the time that the case study area was selected and is
23 within a couple of miles of the case study area.

24 Q. All right. Can you describe then --
25 in the context of what you said generally about the

1 Clay Belt, can you describe for the Board what the
2 characteristics of the case study area itself are?

3 A. Yes, I can. And I can best do that
4 by showing a number of slides. These are slides from
5 the case study document, slides 1.6, 1.7, 1.8, and 1.9.

6 Slide 1.6 is a typical upland spruce site
7 and a very productive site, and on these sites there
8 can be any mixture of white spruce, black spruce,
9 balsam fir or poplar.

10 Slide 1.7 is an illustration of the soil
11 profile below that previous slide and the Board will
12 note the fairly thin organic duff layer at the top
13 indicated by the black area and the thick well-drained
14 clay soils. These are very fine textured soils and, in
15 this case, they are well drained and therefore very
16 productive.

17 Now we are moving -- this is slide 1.8
18 and it's an indication of going downhill into the lower
19 areas. This is an intermediate lower peat site, and
20 again the Board will note the thicker layer of black,
21 approximately where the axe is situated. It's an
22 indication that the drainage is getting less good,
23 there is less drainage and that the peat is
24 accumulating.

25 It's a typical alder site in the Clay

1 Belt which would be described in the forest ecosystem
2 classification as operating group 12.

3 There is -- on these sites there is
4 lateral movement of water and that gains in the
5 productivity of these sites by moving both oxygen and
6 nutrients horizontally through the rooting system.
7 These are -- for low sites, these are very productive
8 sites and can produce some fairly good site class 2 and
9 even site class 1 spruce at times.

10 We are heading closer to the bottom of
11 the bowl. Again, this is the deeper peat sites, very
12 poorly drained. This could be described in the forest
13 ecosystem classification as operating group 11 and
14 commonly called a legum site, legum being the type of
15 vegetation that is common on the ground.

16 Q. I am sorry, what was that word?

17 A. Legum.

18 Q. Legum? Thank you.

19 A. That is -- in common terms it's
20 called Labrador T.

21 Q. Thank you.

22 A. This is probably the most common site
23 in the low areas of the Clay Belt and contains
24 generally site class 2 black spruce, which is the
25 typical size black spruce cut in the Clay Belt.

1 Q. And this was slide No. ...?

2 A. That was slide No. 1.9.

3 Q. Right. As between slide No. 1.9 and
4 1.8, what you described as the lowland sites, Mr.
5 Gemmell, which is more typical of the Clay Belt?

6 A. Generally speaking the last slide,
7 the 1.9, the legum sites are the most typical and the
8 alder sites are the drainage ways generally that move
9 through these areas.

10 Q. Could you describe for the Board
11 then, please, what the stands were like on this case
12 study area itself, what were their characteristics?

13 A. Yes, I can. The major stands --
14 within the case study area there were three blocks;
15 block A was an upland site -- spruce site and there was
16 one major stand, an FRI stand which occupied 67
17 hectares and this site contained mainly black spruce
18 with some poplar, balsam fir, and white birch. This
19 stand was on the average 55 feet high and was a site
20 class 1, most productive area.

21 The other two blocks, block B and C, are
22 both lowland sites and within block B stand No. 33 was
23 the major stand and it occupied an area of about 60
24 hectares and it was 100 per cent black spruce, 50 feet
25 high and site class 2.

1 And the final block C contained two
2 stands, stand 57 and stand 38, and together it
3 represented 139 hectares and that also was 100 per cent
4 black spruce. It was 45 feet high and it was also a
5 site class 2.

6 Q. And do we need the slide projector
7 any longer at this point, Mr. Gemmell, or can I turn
8 that off?

9 A. No, we can turn that off.

10 Q. All right. Could you describe for
11 the Board, please, the time frame during which these
12 particular timber management activities were carried
13 out?

14 A. Yes, I can. And I would like to
15 describe for the Board the relative timing of the
16 activities within the case study area and the Board may
17 view this timing on page 29 of the statement of
18 evidence, Table 1, and I have an overlay to illustrate
19 this.

20 And again this is block A, B and C of the
21 case study area and, in summary, block A was the upland
22 site which was harvested in the fall of 1978; block B
23 and C were the lowland areas both harvested in the
24 winter of 1979. Block B was the area where there were
25 group seed trees left for natural seeding, and block C

1 was an alternate strip cut or block cut.

2 In 1980 block A was site prepared by
3 means of a winter shearblade operation and the same
4 year it was planted to black spruce container stock.
5 There was a number of assessments of that container
6 stock in 1981, 1982 and in 1984 block A was tended with
7 glyphosate, aerial sprayed, and block B was also tended
8 with glyphosate.

9 In 1985 the fifth-year stocking took
10 place on both block A and block B and in 1986 the
11 remaining alternate blocks were cut in block C.

12 In 1987 was the final stocking survey of
13 block C and in 1988 block C was tended with 2,4-D,
14 aerial sprayed with 2,4-D.

15 Q. All right. Thank you, Mr. Gemmell.
16 Can you outline for the Board then as well please,
17 before we discuss the specific activities that were
18 carried out, what the organizational structure was of
19 the company at the time of the case study events?

20 And what is this overhead of, Mr.
21 Gemmell?

22 A. This is overhead Figure 2A from the
23 organization charts.

24 Q. Is this contained in the case study?

25 A. That's correct. That's page 8 and 9

1 of the case study.

2 This is an organizational chart of the
3 Iroquois Falls Woodlands Operation before the inception
4 of the forest management agreement, and what I would
5 like to point out here is the Woodlands manager was the
6 manager in charge and the green box here is represented
7 by the divisional forester who at the time was a
8 one-person operation and was responsible for preparing
9 management plans and liaising with the Ministry of
10 Natural Resources.

11 Generally a camp operation was operated
12 by a district logging superintendent who reported to a
13 general logging superintendent and the operations were
14 quite separate from the forestry department.

15 After the signing of the forest
16 management agreement this chart is an indication of the
17 increased staff in the forestry department, including a
18 superintendent, management forester and assistant
19 management forester and forester supervisors and,
20 similarly, the operating chart to the right was led by
21 a district logging superintendent and assistant and the
22 camp foreman and the production foreman and the
23 workforce.

24 And No. 1, the forestry department
25 increased dramatically after the inception of the

1 forest management agreement; and, No. 2, there was a
2 great interchange of people and a very close
3 relationship developed which integrated the harvesting
4 and renewal operations.

5 In many cases the forestry supervisors
6 and the production foreman, the forestry supervisors
7 under the forestry department and the production
8 foreman in the logging operations are the same people..
9 They work in the various operations at different times
10 of the year. So there was a very close integration of
11 operations and forestry after the inception of the FMA.

12 Q. And you have been referring laterally
13 to Figure 2B from the case study?

14 A. That's correct, this is Figure 2B.

15 MS. CRONK: That is at page 9, Madam
16 Chair, for the record, in the case study.

17 Q. Thank you, Mr. Gemmell. As your
18 colleagues have, Mr. Gemmell, with respect to their
19 case studies, apart from the organizational structure
20 internal to the company itself, could you briefly
21 comment on the physical facilities or physical
22 infrastructure that existed for the purposes of these
23 case study activities?

24 MR. GEMMELL: A. I can. Camp 33 as we
25 have mentioned is located two miles from the case study

1 area. The camp consisted of living accommodation for
2 over 230 people. There was also a main garage which
3 was able to service all of the heavy equipment used in
4 the operations including mechanical harvesters,
5 tractors, loaders, haul trucks. It's very similar to
6 that described by Canadian Pacific.

7 There was a kitchen with a staff of up to
8 10 people which provided meals to accommodate all
9 shifts. There were canteen facilities which provided
10 people with recreational opportunities. People lived
11 in at camp 33 from Monday to Friday and commuted home
12 on the weekends.

13 Camp 33 supplied full operational
14 services for all the facets of the operations including
15 road construction, harvesting, wood delivery and
16 renewal operations.

17 Q. How many people were employed at camp
18 33, Mr. Gemmell, during the time of these case study
19 activities?

20 A. In 1980 there were approximately 190
21 union people employed at camp 33 with 28 staff. In
22 1990 there are approximately 165 union people and 23
23 staff working at the present operating camp which
24 replaced camp 33. Camp 34 is the present camp.

25 Q. And what is the current employment at

1 the Iroquois Falls Forest mill, if you are able to
2 assist the Board with that?

3 A. At the present time in 1990 there are
4 approximately 900 people employed at the Iroquois Falls
5 Forest mill.

6 Q. Are those full time, part time,
7 seasonal or some combination?

8 A. These are full-time people.

9 Q. And with respect to the 190 persons
10 that you indicated were employed at camp 33, were they
11 full time, part time, what was their status?

12 A. These are full-time union people who
13 at points in the year are laid off for certain periods
14 when there is not a great deal of activity but,
15 generally speaking, they would work for at least eight
16 months of the year and more.

17 Q. All right, thank you. Where do you
18 live, Mr. Gemmell, while I think of it?

19 A. I live in the beautiful town of
20 Cochrane, Ontario.

21 Q. All right, thank you. Could we turn
22 then to the specific -- I am not sure I liked the way
23 you looked at me when you said that, just because I
24 brought this out, but I will leave that alone.

25 Could we turn to the specific activities

1 please that were carried out on the case study area and
2 could you, like Mr. Roll, if you would please, start
3 with access and outline for the Board if you would,
4 first in general terms, what the access situation was
5 for this case study?

6 A. Yes, I can. And I best can describe
7 that by another overhead. This would be found on page
8 11 of the case study, Figure 4.

9 The forest management agreement area is
10 outlined in green on this overlay. The case study area
11 is situated central in the Iroquois Falls Forest. Camp
12 33 is just south of the case study area outlined in
13 red. The Iroquois Falls Forest mill is situated in the
14 extreme southwest corner of the Iroquois Falls Forest.

15 Q. How far is Iroquois Falls from the
16 case study area?

17 A. Iroquois Falls to the case study area
18 is 78 kilometres and it's accessed by three major
19 roads. The first road runs north from Iroquois Falls,
20 the Northwest Industrial Road. It's a primary road,
21 private road, Abitibi road.

22 Then the Translimit Road travelling east
23 and west leads to the Michelle Lake Road and the
24 Michelle Lake Road is a primary road which passes
25 adjacent to the case study area as well as camp 33.

1 This is illustration, I mentioned before
2 the five per cent of the area of the Clay Belt has
3 these north/south esker systems. These broken lines
4 represent these esker systems. They are not as obvious
5 as they appear on the map; sometimes they are varied
6 and sometimes they are very obvious.

7 These are outwash areas and generally
8 these circled dotted areas are outwashed areas which
9 generally, when we find them, represent the gravel that
10 is required to construct the roads.

11 All the road construction has to be --
12 all-weather road has to be constructed with gravel
13 which is found in these types of areas in gravel pits
14 and transported to the road being constructed.

15 Because of the scarcity of gravel in the
16 Clay Belt area and specifically to the Iroquois Falls
17 Forest, 75 per cent of the roads constructed for
18 operating are winter roads which are literally just
19 harvested areas that are frozen into a road
20 condition -- frozen condition, and can be only used
21 between December and March of the year.

22 Q. Why do the roads have to be gravel?

23 A. There are no -- the area of the Clay
24 Belt has clay soils and they do not make a very stable
25 road base, so gravel has to be transported and placed

1 on top of this clay base to make the roads servicable
2 by trucks all year.

3 Q. And with respect to the case study
4 area specifically, how was access provided for it?

5 A. The access into the case study area
6 is entirely by winter roads.

7 Q. All right. And were any roads
8 specifically constructed for the case study area,
9 specifically built for it?

10 A. Yes, the winter roads. There were
11 about 11 or 12 kilometres of winter road which accessed
12 the case study area.

13 Q. Well, could you explain in general
14 terms if you would please to the Board, Mr. Gemmell,
15 what the lay out of those winter roads was and what was
16 involved in their layout, their construction?

17 A. I can, and for that purpose I would
18 like to show another overlay. This is Figure 6, page
19 16 of the case study.

20 Camp 33 is situated in the bottom
21 southwest corner of this overlay. The case study area
22 is outlined in blue, block A and block B are in this
23 section in the upper middle portion of Figure 6 and
24 block C is this area on the far side of the overlay.

25 Q. Sorry, Mr. Gemmell, what blue? Oh,

1 on page 16?

2 A. This solid blue line, yes.

3 Q. I am sorry, blue is in the eye of the
4 beholder. Could you just point that out for me. I
5 can't see the colour from here, sir.

6 A. I am colour blind but I think it is
7 blue; isn't it?

8 Q. Could you just point it out again,
9 Mr. Gemmell, because I am having a little trouble.

10 A. This contains block A and block B.

11 Q. Thank you.

12 A. And this area is block C.

13 Q. Thank you.

14 A. It's reds and blues I have trouble
15 with.

16 Q. It's okay because neither are here,
17 so that's fine.

18 A. These dotted lines, hatched lines
19 running east and west represent the winter roads that
20 access the case study area, and this dotted line
21 represents the winter road following a parallel to a
22 creek system -- within the creek system found in the
23 block C area.

24 Q. Were there in total some 10 or 11
25 winter roads built you said?

1 A. Altogether about 10 or 11 kilometres
2 of winter roads.

3 Q. I see. All right. And can you
4 illustrate for the Board what those roads actually look
5 like?

6 A. I can, with slide 5.10 and slide
7 5.12.

8 On this slide the Michelle Lake Road,
9 which was primary road, is shown in this lighter colour
10 running from -- this is south to north across the
11 slide. The winter roads are indicated by the lighter
12 lines that are parallel.

13 Generally speaking, in the Clay Belt the
14 roads can be built rather straight because there is
15 very little hindrances. The winter roads are usually
16 built parallel to each other and they are spaced, in
17 this case, about 1,800 feet apart. The block A and
18 block B would be located in the centre of this slide.

19 There is an area of site class 4 spruce
20 and stag spruce in the middle which separates block A
21 and B from block C in the background.

22 Q. And what slide number is that, Mr.
23 Gemmell?

24 A. This is slide 5.10.

25 Q. Thank you.

1 MR. MARTEL: Mr. Gemmell, do you have to
2 put anything on -- outside of just cutting in winter,
3 assuming you have cut a path out?

4 MR. GEMMELL: The winter roads are just
5 literally cut and nothing is placed on them, they are
6 just frozen.

7 MR. MARTEL: Thank you.

8 MR. GEMMELL: And slide 5.12 will give
9 you an indication of the support that that frozen road
10 can have in the winter time. This is a haul truck some
11 time between the period January and March. This is
12 when access can be gained to the winter road areas and
13 the wood can be hauled out.

14 MS. CRONK: Sorry, if I could have your
15 indulgence for a moment.

16 Q. Mr. Gemmell, you referred a few
17 moments ago to stag spruce. Can you explain what you
18 mean by that term?

19 MR. GEMMELL: A. Yes. The stag spruce
20 is spruce that cannot grow to a height which becomes
21 merchantable. It's situated in very poorly drained
22 sites where the productivity is so poor that the tree
23 can never reach a merchantable size.

24 Q. Thank you, Mr. Gemmell.

25 MS. CRONK: Madam Chair, the numbering of

1 slide 5.10 that Mr. Gemmell has shown - I am obliged to
2 Ms. Blastorah - appears to be different from the
3 numbering of that photo on the photocopy that was
4 provided to my friend. So I will sort that out at the
5 break and inform you of the correct number for that
6 slide.

7 MS. SEABORN: Ms. Cronk that particular
8 photograph is dealt with in your errata letter in
9 Exhibit 1102.

10 MS. CRONK: Thank you. Thank you. There
11 we are. Thanks very much.

12 The errata letter indicates, Madam
13 Chair - and I apologize for the confusion - it appears
14 at least certainly to be mine, the photograph No. 5.10
15 is to be interchanged with 7.16. So that is what you
16 have just seen. Sorry.

17 Q. Sorry, Mr. Gemmell, for that
18 housekeeping matter. Could I ask you to turn now, if
19 you would then please, to harvesting. And, again,
20 could you outline for the Board what was involved with
21 respect to the layout of this case study area for
22 harvesting specifically, and then proceed to tell the
23 Board when harvesting was carried out and what was
24 involved?

25 MR. GEMMELL: A. Yes, I can. The case

1 study area was divided, as I said previously, into
2 three blocks. The total area of those three blocks was
3 266 hectares. The layout is illustrated in Figure 6 on
4 page 16 of the case study.

5 Block A, the upland site, is 67 hectares
6 in size, block B a lower peat site was 60 hectares, and
7 block C also a low peat site was 139 hectares. The
8 three blocks had a combined yield of about 300,000
9 cubic metres of merchantable roundwood which
10 represented about 10 per cent of the annual cut for the
11 camp 33 operation.

12 Q. And when was harvesting actually
13 carried out?

14 A. All areas were harvested in 1978 and
15 1979 and they were harvested in tree length form and
16 the felling was done manually with chain saws and/or
17 forwarded tree length to roadside using wheeled
18 skidders equipped with conventional tires.

19 The one area, block C, the second harvest
20 took place in 1986 and it was harvested full tree. In
21 that case, mechanical feller bunchers cut full tree and
22 wheeled skidders skidded the full tree to roadside and
23 rail delimbers removed the tops and branches at the
24 roadside.

25 Q. All right. Well, could we deal first

1 then just with the 1978-79 harvesting period. What
2 options or choices were available then as to what could
3 be done in terms of harvesting methods?

4 A. In 1979 all the wood was cut using
5 chain saws and it was cut in tree length form and it
6 was all forwarded with wheeled skidders. There was
7 really no other options available at that time.

8 Q. And what was the case in 1986 when
9 part of block C was harvested?

10 A. In 1986 -- during the 1980s there was
11 a transition from chain saws to mechanical harvesters
12 and in 1986 there was still the choice of either
13 mechanical harvesting or cutting with chain saws.

14 During that transition period also there
15 was a change in forwarding methods, high flotation
16 equipment skidders were being equipped with wide tires
17 to float on some of the areas which allowed an option
18 to harvest on those areas in either summer or winter.

19 Q. And what option was in fact chosen in
20 1986 for part of block C?

21 A. Actually 1986 the option was the
22 mechanical harvesting, but it was also cut in the
23 winter time.

24 Q. Were there differences in harvesting
25 depending on the season?

1 A. Again, the season -- in 1979
2 generally speaking the low areas had to be harvested in
3 the winter. In 1986 there was the option, because of
4 the acquisition of high flotation equipment, to operate
5 either summer or winter and, as I have mentioned, in
6 this case the harvesting took place in the winter.

7 Q. Why was harvesting on two occasions
8 done on the lowland areas?

9 A. Block C was the area that was
10 selected to be alternate -- to be cut in alternate
11 blocks and the idea was to regenerate naturally from a
12 standing seed source. So that the first cut took place
13 in 1979 and there was alternate blocks which were cut
14 and in 1986 the remaining blocks were harvested.

15 A. Block C was the area that was
16 selected to be alternate -- to be cut in alternate
17 blocks and the idea was to regenerate naturally from a
18 standing seed source. So that the first cut took place
19 in 1979 and there was alternate blocks which were cut
20 and in 1986 the remaining blocks were harvested.

21 Q. What species were actually harvested
22 and how ultimately was it used?

23 A. Generally speaking, the upland site
24 was spruce and balsam and the lowland sites were a
25 hundred per cent black spruce and all of these conifers

1 went to the Iroquois Falls mill to be converted into
2 newsprint. If there was poplar, veneer available on
3 the site, then it was harvested and it was sold to a
4 veneer mill in Cochrane.

5 Q. Could you turn then next, Mr.
6 Gemmell, if you would then, please, to renewal and
7 could you outline what was involved in the renewal
8 approach on the case study and what options were
9 available?

10 A. Yes, I can. In renewal, the
11 decisions as to renewal are based on such factors as
12 site, tree, location of the stand; that is, proximity
13 to gravel roads, and the presence or absence of
14 advanced growth and competition.

15 The renewal options at the time the case
16 study were based on the silvicultural system of
17 clearcutting and include the following: clearcut all
18 merchantable species, clearcut all merchantable species
19 leaving groups of seed trees standing or clearcut all
20 merchantable species in alternate blocks, leaving
21 alternate blocks standing for a specified period of
22 time and then cutting the remaining blocks.

23 Q. What was in fact actually done on the
24 various blocks?

25 A. For the alternatives, I can best

1 illustrate by an overlay again. This is Appendix 1 on
2 page 47 and 48 on the case study.

3 Q. Appendix 1 again being the
4 groundrules, Mr. Gemmell; is that correct?

5 A. That's correct. This is
6 silvicultural groundrules, silvicultural
7 specifications.

8 Q. Are these the groundrules that
9 applied to the Iroquois Falls Forest FMA?

10 A. That's correct.

11 Q. Thank you.

12 A. On the left-hand side under Site
13 Type, the description is organic soils and these are
14 soils that are greater than 12 inches of peat over
15 mineral soil and both blocks A and -- excuse me, block
16 B and block C were identified as deep peat areas and
17 under A2, item 2, the description of the site is
18 moderately to poorly drained in site class 2, black
19 spruce.

20 The present working group at the time of
21 the harvest was spruce, black spruce, and the proposed
22 working group, according to the specifications, is
23 black spruce. And in these cases, the choices are,
24 one, clearcut in alternate strips or blocks which was
25 what occurred on block C and it was harvested -- the

1 preferred season of harvest is winter. The treatment
2 for block C is to leave for natural seeding and there
3 was an option to site prepare if necessary.

4 And under item 2 under method of harvest,
5 was to harvest leaving groups of seed trees and this is
6 what occurred in block B and it was also harvested in
7 the winter and the regeneration treatment was still
8 leave for natural.

9 Under sub-type class B, we are into
10 mineral soils. In this case, less than 12 inches
11 organic over mineral soil and down to B2 we have the
12 thinner duff layer which is approximately four inches
13 of organic duff over mineral soil, and block A would
14 bring us down to this area - this is site class either
15 "x", 1 or 2 - in this case Block A was site class 1 and
16 the working group at the time was spruce and proposed
17 working group was black spruce.

18 The method of harvest was to clearcut.
19 This is an upland area, and the preferred season of
20 harvest was summer. The regeneration treatment would
21 be to site prepare and plant 700 trees per acre and
22 tend if necessary.

23 Q. Can you summarize for the Board then
24 with respect to blocks C, B and A exactly what was done
25 pursuant to the groundrules in terms of renewal

1 treatments?

2 A. Yes, I can and for that I will use
3 another overlay which is Figure 7 on page 47.

4 Q. That's Figure 7 from the case study,
5 Mr. Gemmell?

6 A. That's correct.

7 MS. CRONK: That, Madam Chair, is found
8 at page 34 of the case study.

9 MR. GEMMELL: And in summary, the yellow
10 area is block A which is the upland area within the
11 case study area, which is the area that was clearcut
12 and site prepared with winter shear blades and planted
13 to container stock.

14 The red area is block B and that is the
15 area which was cut leaving groups of seed trees which
16 are represented by the small block circles throughout
17 the area. This area was left for natural regeneration
18 and received no site preparation treatment.

19 And finally block C was the alternate
20 cut. The first cut is the layer of green and the
21 second cut is the darker colour, which I can't tell,
22 but it's probably brown.

23 Q. I am not going to get into that foray
24 with you again, Mr. Gemmell, it is apparent from the
25 table. Thank you.

1 Are you in a position then to illustrate
2 for the Board what the actual conditions of these
3 blocks were after these treatments?

4 A. Yes, I am. I would like to show that
5 by means of a few slides. This is an aerial slide of
6 the case study area. This actually is -- going from
7 the middle to the left is the Michel Lake Road, that's
8 the gravel road.

9 MR. MARTEL: What number is that, please?

10 MS. CRONK: This, as I understand it, is
11 now 5.10, Mr. Martel. It is the one I referred to
12 before that was to be interchanged with 7.16 and I --

13 MR. GEMMELL: I assume therefore it is
14 now 7.16?

15 MS. CRONK: It is now 5.10, as I
16 understand it.

17 MADAM CHAIR: The confusion, Ms. Cronk,
18 is with us, we have the old number system.

19 MS. CRONK: I apologize for that, but
20 clearly the confusion I had before, because my book,
21 like yours -- we will fix them so that the numbers are
22 correct. It is covered in the errata and the two
23 should be changed 5.10 and 7.16.

24 MR. GEMMELL: This is in summary. The
25 block A is represented by -- the area with the

1 striations is the area which was site prepared and this
2 is block A.

3 MS. CRONK: Q. You are pointing to the
4 left of the slide, Mr. Gemmell?

5 MR. GEMMELL: A. That's correct, to the
6 left of the slide. Block B is the area which is a
7 little lighter and which has these dark spots which are
8 the groups of seed trees which were left after harvest.

9 At the top of the slide is the areas
10 which were not harvested because of the unmerchantable
11 size of the spruce.

12 And this is block C which is farther
13 east.

14 Q. Sorry, Mr. Gemmell, can you help me
15 as to what number that photo is, please?

16 A. I'm afraid to. This is slide 7.17.

17 Q. Thank you.

18 A. The Board will note that the winter
19 roads splits the block C down the middle and the lighter
20 areas were the areas which were harvested in 1979 and
21 the darker areas are the blocks which were left and
22 harvested in 1986.

23 These areas here are the areas of
24 unmerchantable spruce which were left standing.

25 Q. You are pointing to the middle bottom

1 of the slide?

2 A. That's correct.

3 Q. Thank you. Mr. Gemmell, could you
4 turn now, if you would, please, to tending.

5 You indicated earlier, when outlining for
6 the Board the timing of these activities, that certain
7 of these blocks did receive tending treatments. Can
8 you indicate for the Board what the options were with
9 respect to tending?

10 A. Yes, I can.

11 Q. And then what was in fact done?

12 A. As stated in the silvicultural
13 prescriptions, tending is only recommended where they
14 find necessary, so therefore the first decision is
15 whether to tend or not. When tending is required, a
16 number of options are available which include aerial
17 spray, ground spray manually, ground spray mechanically
18 or manual tending.

19 The option which was selected for the
20 case study area was to aerial spray. Block A and block
21 B were aeriually sprayed with the herbicide glyphosate
22 to eliminate a combination of raspberry grasses and
23 shrubs, and block C was aeriually sprayed with 2,4-D to
24 eliminate competition from alder.

25 MS. CRONK: Madam Chair, I am about to

1 ask Mr. Gemmell to deal with the results as known to
2 date on this case study area.

3 Would now be a convenient time for a
4 break?

5 MADAM CHAIR: That's fine, Ms. Cronk.
6 Thank you.

7 Also, the panel will be excused today at
8 five o'clock.

9 MS. CRONK: Thank you very much.

10 MADAM CHAIR: We will go right into the
11 discussion of the two issues we were discussing tonight
12 which would be the satellite hearings and I think Ms.
13 Swenarchuk is going to discuss plans for the
14 presentation of her case.

15 MS. CRONK: Thank you very much.

16 ---Recess taken at 4:00 p.m.

17 ---On resuming at 4:25 p.m.

18 MADAM CHAIR: Please be seated.

19 MS. CRONK: Madam Chair, with respect to
20 the photographs, if I can simply clarify that, the two
21 photographs on case study 4D, the best way that I can
22 describe this is that taking into account the errata,
23 photograph 5.10 is the aerial photograph in colour
24 showing green, is the best way I can distinguish it,
25 and 7.16 is the aerial photograph in brown.

1 I am informed that the Board's copy
2 should be correct.

3 MADAM CHAIR: Yes, they were correct
4 until we changed them, in which case --

5 MS. CRONK: I understand that too and I
6 apologize for that. Retracing it gets more
7 complicated. Thank you.

8 Q. Mr. Gemmell, just before we broke,
9 you had been discussing with the Board what the tending
10 options were on the Iroquois Falls case study area and
11 I wrote done - and I don't know that I took this
12 correctly - but I wrote down that you indicated that
13 tending was recommended where necessary, and you went
14 on to continue to make certain other observations.

15 What did you mean in the context of this
16 case study by tending being recommended where
17 necessary?

18 MR. GEMMELL: A. What I meant was the
19 groundrules provide for tending treatments when
20 necessary.

21 Q. All right. And those are the
22 silvicultural ground rules in Appendix A?

23 A. That's correct.

24 Q. All right, thank you. Now, you
25 indicated as well earlier to the Board that a

1 fifth-year stocking assessment has been carried out
2 with respect to this case study area as well; is that
3 correct?

4 A. That's correct.

5 Q. Could you outline for the Board,
6 please, what the nature of the results were pursuant to
7 that assessment?

8 A. I can and I best can do that with an
9 overhead of Appendix 2 on page 50.

10 Q. That's Appendix 2, page 50 of the
11 case study?

12 A. Correct. Under Appendix 2 is the
13 fifth-year assessments which were carried out. Under
14 item 1 is plantation plots survival and block A
15 contained the plantations and the survival after five
16 years was 91 per cent. The fifth-year stocking surveys
17 under item 2 are represented by block A at 65 per cent
18 stocking, block B at 51 per cent stocking and block C
19 at 54 per cent stocking.

20 Q. And as well dealing with item 1, do I
21 take from that that a survival assessment was done only
22 with respect to block A?

23 A. That's correct. The survival
24 assessment was done on the plantation area, that is
25 where the survival plots were established in 1980.

1 Q. All right. And, Mr. Gemmell, will
2 you personally be a witness on the Industry's renewal
3 panel of witnesses?

4 A. Yes, I will.

5 Q. Will you be dealing with these
6 results and the renewal treatments in greater detail at
7 that time?

8 A. Yes, I will.

9 Q. How do these results - these results
10 being the stocking assessment results - compare to the
11 stocking requirements of the groundrules?

12 A. In all three cases, the stocking
13 results are well above the minimum standard of 40 per
14 cent, so they're quite successful.

15 Q. What do those results indicate to
16 you?

17 A. The results indicate that in all
18 cases block A, the plantation area, the establishment
19 of planted stock on that area was very adequate and
20 very successful and in block B and C, in both cases the
21 naturally regenerating areas were also successful and I
22 have a number of slides to show to illustrate that.

23 MADAM CHAIR: Mr. Gemmell, are the
24 stocking survey results for the case study area similar
25 to the results you have for the rest of Iroquois

1 forest?

2 MR. GEMMELL: Yes, they are. They are
3 very similar to the other results.

4 MS. CRONK: Q. What slides will you be
5 referring to, Mr. Gemmell?

6 MR. GEMMELL: A. The first slide is
7 slide 9.4. This is a slide of the regeneration results
8 in block B, the natural regenerating area.

9 The Board will note the variation in size
10 of the black spruce, some very short black spruce at
11 about two feet or less here. The rod reaches eight
12 feet, so that the tallest is approximately seven feet
13 high.

14 This is an indication of natural
15 regeneration from advanced growth. The advanced growth
16 was there at the time of the cut. This was an area
17 which was -- the grouped seeds trees -- the groups of
18 seed trees were left for natural regeneration. Having
19 walked the area, my opinion is that most of the results
20 are the results of this advanced growth which was there
21 at the time of harvest.

22 Q. When you referred earlier to the
23 shorter trees you said here, they were on the left?

24 A. Yes, they were on the left. And one
25 knows they are advanced growth. If one were strong

1 enough and tall enough you could pull on the left tree
2 and if you were ten feet tall, keep pulling and then
3 they will all be joined by the root systems.

4 Q. When was this photograph taken, Mr.
5 Gemmell?

6 A. This photograph was taken in 1989,
7 the fall of 1989.

8 Q. And Ms. Swenarchuk enquires again
9 what block this is.

10 A. This is block B.

11 MS. SWENARCHUK: Thank you.

12 MS. CRONK: Q. So how many years then
13 after harvesting was the photo taken?

14 MR. GEMMELL: A. This is nine years
15 after harvest.

16 Q. Thank you.

17 A. This is slide 9.9 which is an aerial
18 shot of the -- actually both block A and block B.
19 Block A is represented by the striations. Here the
20 stripe is represented by the -- this is caused by the
21 winter shear blading.

22 Q. The striations in the middle of the
23 photograph?

24 A. That's right. You can see the
25 striations here and the striations in the middle.

1 Q. Here being on the left?

2 A. That's correct. The planted stock I
3 think can be seen by the little green dots. Again, I
4 have to refer to other people for that opinion because
5 I have trouble seeing the colour.

6 Q. Thank you. When was this photograph
7 taken?

8 A. The photograph was taken in 1989
9 also, the fall of 1989.

10 Q. And in respect of the block where
11 planting occurred, how many growing seasons after
12 planting is that that the photograph was taken?

13 A. That's nine years after planting.
14 And, finally, this is slide 9.11 and this is a slide of
15 block A on the ground of the planted black spruce and,
16 again, the rod is at eight feet, so that the tallest
17 trees are greater than eight feet and greater than nine
18 feet and this is an indication of the planted stock on
19 block A.

20 Q. And how many growing seasons, again,
21 after planting was this photograph taken?

22 A. This photo was taken in the fall of
23 1989 which is nine years after planting.

24 Q. Could you go back for us, Mr.
25 Gemmell, please and compare, if you are in a position

1 to do so, the results indicated in this photograph with
2 those contained two slides ago in slide 9.4?

3 A. The comparison here is the fact that
4 planted stock on the better site was well above the
5 rod, which was eight feet, the planted stock was
6 greater than eight feet. The planted stock has done
7 better for two reasons. One is that it is planted on
8 the more productive site and also it's very well
9 distributed during the planting operation, the spacing
10 is six feet apart.

11 In this case, this is advanced growth
12 which is actually greater than nine years old because
13 it was there at the time of the harvest, so these trees
14 are older than the planted stock and shorter which is
15 really characteristic of the lower sites; one, because
16 the lower sites are less productive and, two, because
17 the natural regeneration is thick enough that the
18 growth -- they are competing with each other and,
19 therefore, the growth is less than the planted area.

20 Q. Bearing that in mind, Mr. Gemmell,
21 and having regard to the stocking requirements of the
22 groundrules, are you personally content with the
23 results demonstrated on the naturally regenerated
24 blocks of this case study?

25 A. Absolutely. This is very good

1 regeneration on the natural and the lower areas of both
2 blocks B and C. The degree of regeneration is very
3 adequate and it's the best we expect from naturally
4 regenerating areas.

5 Q. Thank you. Could I ask you then
6 finally, Mr. Gemmell, if you would please, to outline
7 for the Board what you regard to be the important or
8 significant features of this case study?

9 A. Yes, I can. In this case study, this
10 case study gives an illustration of the management of
11 black spruce and the comparison of the upland and
12 lowland sites in the Clay Belt.

13 All weather access in the Clay Belt is
14 very expensive because of the limited sources of
15 suitable gravel material and, therefore, winter roads
16 represent up to 75 per cent of the access in the
17 Iroquois Falls Forest. Access into the case study area
18 itself was entirely by means of winter roads.

19 This case study offered a comparison of
20 black spruce management on a productive upland site,
21 block A, compared to black spruce management on the
22 lowland peat sites which were block B and block C.

23 Block A was cut in the frost-free season
24 and blocks B and C were cut in the winter. All blocks
25 were originally cut in 1978, 1979, the 1978/79 approval

1 year using two man cut skid crews cutting tree-length
2 wood. The final cut in block C took place in 1986,
3 winter of 1986, and that was cut by feller bunchers and
4 the wood was cut in full tree.

5 Block A was clearcut while block B was
6 clear cut leaving groups of seed trees and block C was
7 cut in alternate blocks.

8 Renewal activities included the
9 following: block A was site prepared with shear blades
10 and subsequently planted with black spruce container
11 stock; block B and block C did not receive any site
12 preparation and the renewal activities in both cases
13 were to allow each block to regenerate naturally.

14 All three blocks received tending
15 treatments consisting of aerial application of
16 glyphosate or 2,4-D.

17 The fifth-year survival assessment of the
18 plantation area indicated a very successful 91 per.

19 Stocking assessments carried out five
20 years after treatment indicated that block A had a
21 stocking assessment of 65 per cent, block B had a
22 stocking assessment of 51 and block C 54.

23 Finally as a concluding statement, I
24 would like to indicate that the methods of harvest and
25 renewal and tending applied to all three blocks were

1 very successful with results in all three blocks well
2 above the minimum standard.

3 MS. CRONK: Thank you, Mr. Gemmell.

4 MADAM CHAIR: One question, Mr. Gemmell.
5 Are we to conclude that if there had been container
6 stock planted on blocks B and C that they would have
7 had higher survival -- or higher stocking?

8 MR. GEMMELL: No, they wouldn't have had
9 a higher stocking. Actually, blocks B and C, what I
10 was attempting to indicate was actually the natural
11 regeneration -- there is no control over how much comes
12 back and the density of the natural regeneration is
13 quite thick and, therefore, you wouldn't want to plant
14 container stock or any other stock in those areas.

15 MR. MARTEL: Could you have tended and
16 got better results in blocks B and C at some point?

17 MR. GEMMELL: We did tend.

18 MR. MARTEL: Manually?

19 MR. GEMMELL: No, by aerial tending, by
20 aerial spray.

21 I might add, as far as the tending is
22 concerned it was very successful in releasing the trees
23 and I think you will hear more about that in the
24 tending portion of our case study presentation.

25 MS. CRONK: Q. If I may, on those

1 questions, Mr. Gemmell, one more question, and I don't
2 know if you are in a position to respond to this or
3 whether it should be left for the tending panel.

4 Had a different type of tending treatment
5 been used on blocks B and C as opposed to the aerial
6 spraying of herbicides, would you have expected the
7 natural regeneration results to be different and, if
8 so, in what way?

9 MR. GEMMELL: A. The only other form of
10 tending treatment that would be carried out would be
11 hand tending or a ground spray and in each either case
12 I think it would be both costly and labour intensive to
13 do.

14 The tending using the 2,4-D to eliminate
15 the alder competition problem is a pretty
16 straightforward operation and is very successful and
17 the results speak for themselves.

18 MS. CRONK: Madam Chair, Mr. Martel, I
19 would propose now to go then to case study 4C.

20 Thank you, Mr. Gemmell.

21 Q. And, Mr. Squires, if I could turn to
22 you. I understand that you will be describing the
23 timber management activities outlined in case study 4 C
24 which, I understand, was also prepared by Abitibi-Price
25 Inc. but in this case by the Lakehead Woodlands

1 Division; is that correct?

2 MR. SQUIRES: A. That is correct, Ms.
3 Cronk.

4 Q. And it relates to the Spruce River
5 Forest?

6 A. Yes, the case study 4C relates to the
7 Spruce River Forest.

8 Q. Mr. Squires, recognizing that Mr.
9 Gemmell has outlined the nature of Abitibi-Price's
10 activities in the Iroquois Falls area, could you now,
11 again in general terms, outline for the Board the
12 nature of Abitibi-Price's activities in the Thunder Bay
13 area?

14 A. Yes, I will. I won't reiterate what
15 Mr. Gemmell said about our company in general, so my
16 remarks will be confined specifically to the Lakehead
17 area in Thunder Bay.

18 Abitibi-Price operates three paper mills
19 in the City of Thunder Bay; two newsprint mills and one
20 fine papers mill. The Thunder Bay division, which is a
21 newsprint mill, operates at the extreme north end of
22 the city on the waterfront, the second newsprint mill
23 known as for our Fort William newsprint mill operates
24 on the extreme south end of the city on the waterfront
25 of Chippewa Park, and the fine papers mill known as

1 Provincial Papers operates at the mouth of the Current
2 River on the waterfront. That also is in the north end
3 of the city.

4 The three mills, along with the Lakehead
5 Woodlands Division that supplies wood to the mills,
6 employed in December of 1989 a total of 2,051 full-time
7 employees in the Lakehead area.

8 The company operates two FMAs in Ontario.
9 The second FMA was signed for the Lakehead area and is
10 known as the Spruce River Forest and it was signed in
11 December of 1981.

12 Q. Is the other one the Iroquois Falls
13 FMA?

14 A. The other FMA is the Iroquois Falls
15 FMA.

16 Q. And what is the meaning of Lakehead
17 Woodlands Division in the context of your company?

18 A. The Lakehead Woodlands Division is a
19 division of our company operating under a woodlands
20 manager which is responsible for the delivery of wood
21 to our three mills at the Lakehead in Thunder Bay.
22 It's also responsible for the planning of the
23 harvesting and the renewal and our overall land
24 management.

25 Q. Could you describe to the Board,

1 please, the relationship of that division to the supply
2 of timber to the companies' mills?

3 A. Yes. The division supplies wood from
4 several areas within the vicinity of Thunder Bay. I
5 will probably move from here to a map to illustrate the
6 location of our FMA and various land holdings in the
7 Lakehead area to assist the Board to understand.

8 Q. That's fine, thank you.

9 A. Mr. Roll has already described the
10 location of the Spruce River Forest, it's right here
11 coloured in yellow, the northwest corner of Exhibit
12 1105 immediately north of Thunder Bay and the case
13 study area is at the tip of the arrow showed there with
14 the red dot.

15 I will now move to a map which is
16 representative of Figure 1 on page 3 in case study 4C.
17 The Spruce River Forest is the area coloured in yellow
18 on this map. This, however, is an updated version of
19 Figure 1 found in the case study. The Figure 1, I
20 believe the colour of that is orange, and I am not
21 colour blind.

22 In addition to the FMA, we have other
23 land holdings which are free-hold and we have a series
24 of eight free-hold blocks going northwest from Thunder
25 Bay along Highway 11/17 as far north as the Ignace

1 area. In addition to the free-hold lands, we have four
2 license areas, that's licensed but non-FMA and they
3 stretch from the vicinity of Sioux Lookout, one block
4 here, another here.

5 Q. You are pointing --

6 A. This is in the vicinity of free-hold
7 block No. 7, the northwest corner of the map.

8 Q. Thank you.

9 A. Immediately south of No. 7 and west
10 of No. 6 there is another small licence and if we
11 travel east of Lake Nipigon, the northeast corner of
12 the map, there is another licensed area.

13 MS. CRONK: Could that be marked, Madam
14 Chair, as the next exhibit, please.

15 MADAM CHAIR: Yes, that's Exhibit 1110.

16 MS. CRONK: Thank you.

17 MR. SQUIRES: Should I mark it?

18 MS. CRONK: Yes, could you do that, Mr.
19 Squires, please.

20 ---EXHIBIT NO. 1110: Map depicting location of
21 Abitibi-Price's FMAs and land
22 holdings in the Lakehead area.

23 MR. SQUIRES: I would also like to point
24 out the access for the Spruce River Forest from the
25 Thunder Bay area. Main access is through a highway,
public highway running north from Highway 11/17

1 immediately east of the City of Thunder Bay.

2 That highway is known as Highway 527 or
3 to the residents of Thunder Bay, the Spruce River Road.
4 The highway travels through the east side of the FMA
5 and travels north to Armstrong on the transcontinental
6 CNR line.

7 Q. I'm sorry, Mr. Squires. How far is
8 Armstrong from the area of the case study,
9 approximately?

10 A. Approximately 200 kilometres, I'm
11 guessing.

12 Q. Thank you.

13 A. An additional road that we will be
14 discussing in the case study is a road known as the
15 Wolf River Road which joins with Highway 527 at almost
16 the exact location where Highway 527 enters the Spruce
17 River Forest from the south, and that road is
18 represented with a dashed line travelling due east
19 through the case study, exiting at the eastern side and
20 rejoining the Highway 11/17 in the vicinity of Dorion.

21 Q. Could you just show the Board please,
22 Mr. Squires, where the case study is within the Spruce
23 River FMA?

24 A. The case study area is generally
25 contained within the red block in the southeast corner

1 of the FMA. That red block represents one of the FRI
2 base maps from the 1971 inventory and it's base No.
3 488-884.

4 Q. And how does the division generally
5 discharge any role that it has in the supply of
6 Abitibi's mills in the area?

7 A. The wood supply for the Thunder Bay
8 mills coming off the FMA is basically approximately
9 385,000 cubic metres of wood per year off the FMA.

10 Additionally, there is approximately
11 385,000 cubic metres of softwood that go to other users
12 in the area, it would be sawmills primarily but jack
13 pine pulpwood may also go to area pulp mills,
14 particularly kraft mills.

15 Additionally, in 1988 -- the two previous
16 numbers I gave were 1988 numbers. Additionally, in
17 1988 there was 136,000 cubic metres of hardwood,
18 primarily poplar, but some birch as well which went to
19 area mills. That would have gone to -- as veneer to
20 Multiply Hardwoods in Nipigon, poplar to Rockwood,
21 pulpwood would have been to Canadian Pacific Forest
22 Products and similar material would also have gone to
23 CP's waferboard mill which was operating at the time
24 and also McMillan Bloedel Paperboard mill.

25 The wood requirements for Abitibi-Price

1 mills in 1988 were 949,000 cubic metres. 385,000 of
2 that I have stated came off the Spruce River Forest or
3 41 per cent of the total. In addition to that, there
4 were 220,000 cubic metres of chips that were purchased
5 from the area and other sawmills and 344,000 cubic
6 metres or 36 per cent of the total mill consumption was
7 purchased in the form of roundwood.

8 Q. As I understand it, Mr. Squires, your
9 current position with Abitibi-Price in the Lakehead
10 woodlands Division is as divisional forester; is that
11 correct?

12 A. That is correct.

13 Q. Could you outline for the Board,
14 please, generally what the nature of your duties and
15 responsibilities are in that position?

16 A. Yes, I can, Ms. Cronk. The nature of
17 my responsibilities as the divisional forester for
18 Abitibi-Price at the Lakehead Division are to oversee
19 the management of our land resource and the timber
20 resource on that land, to ensure the long-term fiber
21 supply to our mills here at Thunder Bay and that
22 assurance comes through the allocation of the cut, the
23 renewal of the cut and through -- in addition to that,
24 my job also encompasses liaison with government
25 agencies and other companies in the area.

1 Q. How long have you held that position;
2 that is, the divisional forester position?

3 A. I have been divisional forester at
4 the Lakehead since 1980, approximately nine years.

5 Q. And looking at Exhibit 1110, can you
6 with reference to that exhibit outline for the Board
7 the areas for which you are responsible in terms of
8 timber management activities?

9 A. Yes, I can. I have already briefly
10 described the various land holdings in the area. The
11 miscellaneous licence blocks; I located four, three in
12 the northwest corner of the map here going as far
13 northwest as Sioux Lookout, and in the east, north of
14 Nipigon and -- north of Beardmore, east of Lake
15 Nipigon, those are the licence areas which we acquire
16 wood from and I am responsible for the timber
17 management on.

18 The FMA located in the centre of the map
19 coloured yellow on this map and orange in Figure 1 of
20 the case study, and the three -- or eight, I am sorry,
21 freehold blocks in the area.

22 The total land area on those -- that area
23 is approximately 13,000 kilometres, 13,400 square
24 kilometres.

25 Q. And dealing with the FMA and the

1 freehold lands, should I take from that that you are
2 responsible for the timber management activities on
3 those lands as well?

4 A. That is correct.

5 Q. And who then in your company, Mr.
6 Squires, was responsible specifically for the timber
7 management activities described in the case study?

8 A. I was responsible for the timber
9 management of the lands described in the case study.

10 Q. Right.

11 MS. CRONK: Madam Chair, I am conscious
12 of the time and your direction that you wish to rise at
13 five o'clock.

14 MADAM CHAIR: All right. Do you want to
15 stop here, Ms. Cronk?

16 MS. CRONK: This is an appropriate time,
17 if that is the Board's wish.

18 MADAM CHAIR: All right. We will start
19 at 8:30 tomorrow morning.

20 Thank you, panel.

21 MS. CRONK: Thank you. The panel may be
22 excused then?

23 MADAM CHAIR: Yes.

24 MS. CRONK: Thank you.

25 --- (Panel withdraws)

1 MS. MURPHY: Madam Chair, were you
2 intending to take a few minutes break before the
3 procedural matters were dealt with?

4 MADAM CHAIR: No, we were going to move
5 right into it.

6 MS. MURPHY: I am sorry.

7 MADAM CHAIR: We are going to start now.
8 We have two matters to discuss; one being
9 the satellite hearings and the second being Forests for
10 Tomorrow's schedule for their case. Why don't we look
11 at the satellite hearings first.

12 Why don't we make sure we all have the
13 same correspondence. We had submissions about the
14 satellite hearings from Mr. Colborne, from the Ministry
15 of Natural Resources, from Forests for Tomorrow, from
16 the Ontario Federation of Anglers & Hunters, and also
17 there is a faxed opinion that was sent by Mr. Turkstra.

18 Have the parties received a copy of that?

19 MR. CASSIDY: No.

20 THE CHAIRMAN: All right. Ms. Devaul was
21 standing by to bring that to you and should be here
22 shortly.

23 MR. CASSIDY: Madam Chair, I think I can
24 probably speak for most counsel that it would be useful
25 to see that opinion before we begin submissions to you

1 and, in the absence of hearing from other counsel, I am
2 assuming I speak for them - I know I speak for myself -
3 is Ms. Devaul on her way into the hearing; room do you
4 know?

5 I can take up --

6 MADAM CHAIR: Thank you, Mr. Edwards.

7 MR. CASSIDY: I can take up some time by
8 raising another matter, and I am not here to take up
9 time, I am here to raise a matter which is tangentially
10 relating to the satellite hearings by way of a proposal
11 for something to occur at the Fort Frances hearing - if
12 you are prepared to entertain that now - I can raise it
13 after, it's not in relation to this issue, it's another
14 proposal.

15 MADAM CHAIR: Ms. Swenarchuk, would you
16 like to go through your matter and we will wait to look
17 at the satellite hearing second.

18 And, Mr. Cassidy, we will talk about your
19 matter at that time.

20 MR. CASSIDY: No problem.

21 MS. SWENARCHUK: Good afternoon. I asked
22 Ms. Devaul to make available to you the Board's
23 procedural ruling of September of 1988 and she said
24 that she had done that.

25 You have it available, Madam Chair

1 MR. MARTEL: She was supposed to bring it
2 in. I think they are on the table upstairs quite
3 frankly. I thought she was going to bring it in.

4 MR. EDWARDS: Madam Chair, Ms. Devaul
5 advises me that she does not yet have Mr. Turkstra's
6 document. She is expecting it imminently.

7 MADAM CHAIR: We are not having any luck
8 here. Why don't we have a break and come back in 20
9 minutes.

10 MS. SWENARCHUK: Sure.

11 MADAM CHAIR: Is that all right with you,
12 Ms. Swenarchuk? We should have that ruling.

13 All right, thank you.

14 ---Recess taken at 5:05 p.m.

15 ---On resuming at 5:30 p.m.

16 MADAM CHAIR: Please be seated.

17 Let's go back to plan 1 and talk about
18 the satellite hearings first.

19 We've had time to review the opinion we
20 received from our legal counsel Mr. Turkstra. We have
21 discussed this with Mr. Turkstra previously and we are
22 prepared to follow his advice in terms of not having a
23 panel of witnesses of MNR personnel be present at the
24 satellite hearings.

25 That still leaves room for discussion

1 about what we might do instead, or if there are
2 comments that people wish to make to argue against Mr.
3 Turkstra's opinion we will listen to those as well.

4 And shall we are start with -- why don't
5 we start with you, Ms. Swenarchuk?

6 MS. SWENARCHUK: Yes. Well, I am pleased
7 that this shortens this whole discussion. I believe
8 that I should put on the record initially that I was
9 asked by Ms. Kleer to indicate to the Board that
10 Nishnawbe-Aski Nation and Windigo Tribal Council also
11 supported the position that Mr. Lindgren presented to
12 you last week and in the correspondence.

13 And I think that our suggestion would be
14 that, to the extent that the public wishes information
15 from the Ministry -- and, as Ms. Murphy has reminded
16 me, this is a change from the position that I took
17 before the Dryden hearings, but I think we have learned
18 something from that experience - that I will reiterate,
19 our view is that the primary purpose for the publics
20 coming to these hearings is to present their views and
21 information to the Board, and that to the extent that
22 they wish to obtain information from any other party,
23 that that could be done through the displays that the
24 other parties have had at the Dryden hearing and, at
25 least in our case, plan to have in the coming hearings.

1 They can then obtain information from the Ministry and
2 from any other party in response to any queries that
3 they may have, and I think that would be an appropriate
4 and fair way to assure that information.

5 I believe we have suggested that if
6 logistics permit it would be helpful to have the open
7 house segment of it going on in the next room while the
8 hearing is going on, have those displays there, and
9 that might -- or at least have some overlap between the
10 two, and that might be a way of assisting the public so
11 that they don't have to perhaps, in some instances,
12 actually make two trips to come.

13 MADAM CHAIR: Yes. Mr. Martel and I
14 think that that's probably sensible, to have the open
15 house continue after the hearing.

16 MS. SWENARCHUK: Yes.

17 MADAM CHAIR: I mean, they could continue
18 at the same time, but I think there should be some time
19 after that it continues.

20 MS. SWENARCHUK: Now, there was only one
21 other issue that I was going to raise later when I was
22 discussing our case and; that is, that with relation to
23 the satellite hearings and the provision of French
24 services, it's our position that in those areas - this
25 issue arose in discussions that we've had with Ms.

1 Devaul, as I am sure you are aware, all counsel have
2 had - that in those areas where the French Services Act
3 applies and French language translation is to be made
4 available, that it's our view that for the Francophone
5 public that is attending those hearings, and perhaps as
6 a matter of fairness as well, that those entire
7 proceedings should be interpreted.

8 That means then not merely interpretation
9 for the Board of the French-speaking persons'
10 presentation to the Board, but probably as well
11 translation into French of the other proceedings that
12 are occurring in English, that it would not be wise, I
13 would suggest, either legally or in the current
14 political climate to restrict the provision of French
15 service, and we would support as a matter of maximizing
16 public participation information, complete translation
17 in those areas.

18 Thank you.

19 MADAM CHAIR: Thank you, Ms. Swenarchuk.
20 Mr. Cassidy?

21 MR. CASSIDY: Madam Chair, I just have a
22 couple of comments in relation to Mr. Turkstra's
23 opinion, also in relation to the submission sent in by
24 letter from Mr. Hanna and I am going to deal with that
25 matter first, and then of course Ms. Swenarchuk in

1 respect of her last submission about provision of
2 French services.

3 Dealing first with Mr. Hanna's letter
4 which is dated April 10th. I am looking at page 2,
5 Madam Chair, and am quite disturbed by what I read
6 there and; that is, the suggestion that somehow the
7 credibility of this Board is in jeopardy as a result of
8 what happened in Dryden.

9 I don't accept that position. I think I
10 can speak -- I know I can speak on behalf of my
11 clients, that that position is not shared by us and
12 quite frankly I am amazed that it could be made in the
13 fashion in which it was by attaching an unsigned letter
14 and also by suggesting in the letter to the editor of a
15 newspaper, and also by suggesting what it did suggest
16 on page 2 of Mr. Hanna's letter, and I want to register
17 my amazement that that would be written by anyone
18 appearing before this Board and, again, to reiterate my
19 view, that I do not share that and suggest that other
20 people can speak for themselves.

21 But I suggest that Mr. Hanna may be
22 somewhat isolated in that perception. The way in which
23 he attempts to suggest that that is the position is, in
24 my view, unwarranted and that was not up to the Board
25 in its determination.

1 Also there were comments on page 2 which
2 editorialized --

3 MADAM CHAIR: Pardon me, Mr. Cassidy.

4 MR. CASSIDY: There were comments on page
5 2 of this letter which, in my view, constitute nothing
6 more than editorializing on what someone, presumably
7 the Anglers & Hunters thought was happening at the
8 Dryden hearing. There is no reference to evidence to
9 suggest that and, my respectful submission, submissions
10 of this type are not helpful from counsel, from the
11 agent, or from anyone appearing before the Board.

12 If I can then turn to Mr. Turkstra's memo
13 which I received some 10 minutes ago. In respect of
14 this, I don't propose to comment on it other than to
15 refer to paragraph 2 and to indicate what I might call
16 a slight concern about the manner in which this opinion
17 is expressed and; that is, the last sentence of the
18 opinion suggests that Mr. Turkstra's offering his
19 opinion that the MNR panel not be employed at future
20 satellite portions of the hearing.

21 It's my impression that counsel for the
22 Board, when making a submission or when providing legal
23 advice, should indicate the consequences of what might
24 happen if a certain position were to be adopted, but
25 should not indicate what the disposition should be in

1 respect of a particular matter before the Board; that
2 is a matter to be brought before the Board and for the
3 Board to determine solely of itself.

4 I am sure you have heard and have had the
5 benefit of discussions on this and you understand the
6 importance of that, and I will leave it with you, but I
7 must register my concern about the manner in which that
8 particular statement is made.

9 With respect to the final matter that I
10 wish to raise and; that is, the last comment by Ms.
11 Swenarchuk. I simply need some clarification with
12 respect to the translation that she is indicating
13 should be completed.

14 There are a great number of documents in
15 this case and no one needs to know that better than the
16 Board, and there could be a number of documents which
17 have to be at the satellite hearings or may be
18 generated as a result of that satellite hearings, and
19 perhaps Ms. Swenarchuk could provide me with an
20 indication of what her view is on the translation of
21 documents either produced before that satellite hearing
22 that she is referring to or during the satellite
23 hearing. I am just unclear on that.

24 MADAM CHAIR: I might say something about
25 that, Mr. Cassidy, and there are two aspects to

1 providing French services; one is interpretation during
2 the course of the hearing and the other is translation
3 of transcripts or any written documentation.

4 And in fact the Board has not made up its
5 mind yet what it intends to do about translation, that
6 is something that we can determine upon request and
7 whether it's reasonable and so forth.

8 We are committed to giving interpretation
9 services during the hearing and it will go in both
10 directions, it will be simultaneous, English and
11 French. And with respect to the open house, we are
12 also looking at providing perhaps an interpreter who
13 would be available to the parties at the open house and
14 provide consecutive interpretation if there is
15 problems. If there is a problem for a member of the
16 public in communicating with the parties, then we might
17 provide an interpreter at the open house.

18 MR. CASSIDY: Thank you, Madam Chair. I
19 assume that, Ms. Swenarchuk, you are not referring to
20 translation of documents then in the context...

21 MS. SWENARCHUK: Frankly, Mr. Cassidy, I
22 hadn't bent my mind to that question and I wouldn't
23 want to advance an opinion off the top of my head. I
24 think it's an issue that needs to be looked at and I
25 recognize that it's a phenomenally difficult problem if

1 we have to get into interpretation of documents.

2 MR. CASSIDY: And I raise it for that
3 purpose, that Board is I think wise to consider the
4 ramifications of that.

5 Those are my comments.

6 MADAM CHAIR: Thank you, Mr. Cassidy.

7 Mr. Edwards, did you wish to make a
8 submission?

9 MR. EDWARDS: Having examined Mr.
10 Turkstra's opinion --

11 MR. CASSIDY: Madam Chair, if I might
12 just interject, and my colleague Ms. Cronk reminded me
13 of one final comment I wish to make and it's also
14 helpful to have co-counsel here. If I might just
15 interrupt, Mr. Edwards.

16 The other comment I wish to make with
17 respect to Mr. Turkstra's position is a little more
18 substantive as to what he said and; that is, also in
19 relation to the last sentence on paragraph 2 where he
20 indicated that:

21 "Now an objection has been raised in
22 the presence of the panel, that panel
23 should no longer be employed."

24 With respect, I don't agree with that
25 submission, simply because a party objects to a

1 proceeding that it becomes unfair by virtue of that
2 objection. And I suggest to you that your decision on
3 this should not be weighed on that basis because
4 otherwise unanimous consent would be required for
5 virtually everything the Board did, and you only need
6 to look to forums other than this to determine the
7 difficulties one gets into proceeding in that fashion.

8 Those are my comments. I am sorry, Mr.
9 Edwards.

10 MR. EDWARDS: Madam Chair, without
11 adopting everything Mr. Turkstra says in his opinion, I
12 share Mr. Cassidy's concern about that last sentence in
13 paragraph 2 about perhaps the counsel being seen to
14 usurp the function of the Board, and without otherwise
15 adopting it, I think the practical implications from it
16 is that there will not -- or the indication is there
17 will not be a panel.

18 I can advise that my client would support
19 that. We had some problems and some concerns with the
20 Dryden hearing and some of those concerns have been
21 raised in correspondence filed by other counsel.

22 I don't intend to make lengthy
23 submissions. The Board has indicated its inclination
24 in this matter, and unless the Board intends to go in
25 the other direction, I would have nothing further to

1 submit.

2 I will have some submissions perhaps on
3 the structure of the reconstituted hearing; that is to
4 say, I do believe that the panel members -- the
5 un-panelled members should be available, there should
6 be an open house and all parties should have the right
7 to participate in the open house.

8 And if you wish to have further
9 submissions on that, perhaps we can do that at a later
10 time.

11 MADAM CHAIR: Thank you, Mr. Edwards.
12 Ms. Murphy?

13 MS. MURPHY: If I could just start by
14 asking a question that is not related to the witness
15 panel per se.

16 I did provide a letter to the Board and
17 to all parties on April 6th about the issue of notice.
18 The Board had raised earlier that it was interested in
19 looking at perhaps a redesigned notice for this
20 hearing.

21 I have suggested that it's possible to
22 look into doing that, but I have also asked the Board
23 to consider allowing us to use the original notice in
24 this particular notice for the Fort Frances hearing so
25 that we can attempt to get that notice out on time.

1 And I understand the Board would be receptive to that
2 idea?

3 MADAM CHAIR: Yes, we have discussed this
4 and we think that in order to meet requirements for
5 sufficient notice before the hearing that we should use
6 the Dryden notice in this case. We are not happy with
7 the format of the notice and we intend to change it
8 considerably before the next round of public meetings
9 in August and September.

10 MS. MURPHY: So that being the case, I
11 would suggest we follow the procedure that I suggested
12 in the letter, that we attempt to come up with an
13 alternative format for the notice and circulate that to
14 the parties a little later and we can work around that.

15 Is that satisfactory?

16 MADAM CHAIR: Yes, and the other parties
17 of course are free to make submissions about the format
18 of the notice as well.

19 MS. MURPHY: Thank you.

20 With respect to the issue of the
21 witnesses at the hearing, I guess I am interested now
22 to see that all of the other parties appear now to be
23 agreeing with my original submissions on this matter.

24 I would just like to point out, first of
25 all, that the Ministry remains prepared to provide

1 witnesses if the Board wishes them to, or to respond in
2 any other way that would satisfy the concerns of the
3 Board.

4 I am still not satisfied that calling
5 witnesses constitutes -- or having witnesses there
6 constitutes a failure of natural justice. On the other
7 hand, having witnesses there does raise evidentiary
8 problems. I would suggest they could be resolved, but
9 those problems of course are not there if the witnesses
10 are not there.

11 We had originally suggested that the
12 hearing itself be kept fairly simple. We had suggested
13 that providing witnesses could cause potential
14 evidentiary problems and we suggested having an open
15 house. Subsequently we invited other parties to attend
16 that open house so that people could have information.

17 Now, the Board is now discussing that
18 open house again. The suggestion has been made that
19 the open house continue throughout the hearing - that
20 was one suggestion - and another suggestion from the
21 Board is that the open house continue after the
22 hearing.

23 As a practical matter I ask you to
24 consider two things. First of all - and you will note
25 that Mr. Hanna has asked you to provide written reasons

1 if you intend not to take his suggestion that the open
2 house continue through the hearing - there may be, I am
3 advised for Fort Frances at least, and that is the only
4 location that we have done much work on, continuing the
5 open house throughout the hearing would be very
6 difficult given the facilities. I don't think in Fort
7 Frances we will be able to have a facility which would
8 allow us to set up a hearing room and in proximity have
9 a facility that would allow for the open house to
10 continue throughout.

11 That may not be a problem in other
12 locations, for example in Sault Ste. Marie, but it
13 would most likely be a problem in some of the other
14 locations, for example, Hearst. So there is a
15 practical problem there.

16 On the other hand, the Board suggests
17 that the open house might continue after the hearing.
18 There would be a lot of difficulty doing that in
19 particular in the series of hearings that the Board is
20 considering for August and September. You will recall
21 that we went through quite a lengthy exercise of
22 looking at the dates and travel times from one hearing
23 location to another in order to allow for an open house
24 to be set up in the next location.

25 So if you are talking about having those

1 open houses continue after the hearing, might I ask you
2 to clarify if you are considering that on subsequent
3 days or perhaps in the evenings of the hearing.

4 MADAM CHAIR: Well, it seems to the Board
5 that there is a practical problem, and we saw at the
6 Dryden hearing that someone would have a question that
7 could be answered by the Ministry of Natural Resources.
8 Now, it would be a simple matter to direct that person
9 to speak to some Ministry of Natural Resource person at
10 the conclusion of the public hearing.

11 I can't see how the hearing can go on
12 with the open house at the same time. I mean, I don't
13 think there should be any competition for time in terms
14 of the public wanting to be at the open house and being
15 obliged to go in and out.

16 I think that if there are any
17 straightforward factual questions that come up, and the
18 Board is able to say MNR personnel are available after
19 the hearing, go in and discuss it with them, it seems
20 to me that that is a sensible way of handling it.

21 MS. MURPHY: In order to handle that kind
22 of problem that way, of course, it wouldn't be
23 necessary to have an open house on going, it would be
24 necessary simply to have people available that could
25 discuss these matters with members of the public.

1 MADAM CHAIR: That's right.

2 MS. MURPHY: I understand. That sounds
3 familiar. As a matter of fact, that was one of the
4 things that was discussed as one of the possible ways
5 of handling this problem when we first raised this
6 issue with the Board.

7 As you will recall, it was suggested that
8 where issues were raised before the Board and the
9 response required an explanation of what the evidence
10 had been to date, that the normal way that that is
11 handled is for counsel, rather than the Board, for
12 counsel to advise what the evidence had been to date.
13 Mr. Turkstra makes comment about that procedure in his
14 memorandum.

15 It was also noted during those
16 discussions that if a question arose during those
17 hearings and a person wanted further information it was
18 possible to have people there that could go off with
19 that person and provide the information. Of course,
20 again that still leaves us with the problem that the
21 information isn't provided to the Board and probably
22 won't be until reply. I still see a practical problem
23 in that, but those were issues that were discussed
24 earlier.

25 MADAM CHAIR: Excuse me, Ms. Murphy. Why

1 would that be any different than the way you were
2 obliged to respond to the questions from people in
3 Dryden? You in fact had to give them written responses
4 some time after the hearing and we were never informed
5 of what those replies were.

6 MS. MURPHY: I believe you were,
7 actually.

8 MADAM CHAIR: I never saw them.

9 MS. MURPHY: All right. There is a
10 possible difference, and this is something that perhaps
11 we will have to explore.

12 What happened in the Dryden hearing was
13 that, for example, a question was raised while a member
14 of the panel was unaware of the details. What happened
15 was that the member of the panel gave an undertaking at
16 the time to get the information and come back and
17 provide it.

18 What actually happened in that situation
19 was that that panel member did obtain the information
20 and came back and provided it at the end of the hearing
21 in oral evidence - If you will recall it was Mr.
22 Kennedy - and then subsequently we simply copied, at
23 the request of the Board, that answer from the
24 transcript and provided it to that member of the
25 public. So the issue there was that the person raised

1 a question and the question was answered on the record.

2 What you are talking about here is a
3 person says to the Board: I have a question or such
4 and such happened or I want something done about some
5 problem, and the Board or the Ministry would suggest
6 that that person go and discuss it with someone. That
7 wouldn't be on the record, so that is how it would be
8 different.

9 A couple of issues have already been
10 raised with you about Mr. Turkstra's memorandum. If I
11 might ask, and I appreciate that this opinion was asked
12 of Mr. Turkstra over a short time period, but...

13 MADAM CHAIR: Actually, no, we have been
14 discussing it for the past week, but we were waiting to
15 receive Mr. Lindgren's communication before we...

16 MS. MURPHY: If I might make a
17 suggestion, it might be of value both to Mr. Turkstra
18 and to the rest of us.

19 In the future. If Mr. Turkstra is to be
20 asked to provide an opinion, that perhaps any other
21 written material that is to be put before the Board on
22 that matter be provided to him as well before he
23 provides his opinion and that he be asked to advise
24 what material - as he did here - what material he has
25 reviewed in order to give that opinion.

1 If I may take two minutes.

2 I don't think I have anything else that
3 can assist you at this time, unless you have any
4 questions.

5 MADAM CHAIR: Thank you, Ms. Murphy.

6 Mr. Campbell?

7 MR. CAMPBELL: Thank you, Madam Chair. I
8 will be very brief. In light of the views expressed by
9 Mr. Turkstra, I simply say that I think his memorandum
10 represents good common sense advice in the
11 circumstances.

12 Secondly, with respect to the various
13 comments that relate to the last sentence of the second
14 paragraph starting, "Now that objection has been
15 raised...", I would simply point out that that
16 introduction simply reflects the fact that the Board
17 expected clearly that following the Dryden hearing
18 there might well be some reassessment in light of that
19 experience, and I think to read more into that than a
20 simple recognition of the fact that we all expected to
21 learn from the initial experience of satellites is
22 perhaps going too far.

23 Third, with respect to the concerns
24 raised by various parties about the latter half of the
25 last sentence of the second paragraph, Mr. Turkstra

1 expressing his opinion, my understanding is that the
2 panel has made it perfectly clear without equivocation
3 that any advice or opinion expressed to it by its
4 counsel will not be determinative of the Board's ruling
5 on the matter and that, in fact, the Board is more than
6 aware that it is not the role of its counsel to usurp
7 the functions of the Board. And again, in my view,
8 nothing could be clearer in the statements that the
9 Board has made on this matter of use of counsel and we
10 shouldn't forget that side of the equation as well.

11 Fourth, with respect to Mr. Turkstra's
12 comments on my suggestion that counsel for parties
13 might be asked to restate their respective client's
14 position on certain matters, he indicates that this
15 hearing - that is, this timber hearing - is not the
16 same process as a public enquiry into Hydro power.

17 I think just for a matter of
18 clarification and because I think this procedure
19 actually worked quite well, it was in the course of
20 hearings under the Consolidated Hearings Act and not a
21 public enquiry or commission of enquiry. So I would
22 disagree with Mr. Turkstra slightly and simply say, it
23 was precisely in a hearing of this type that this
24 procedure was adopted.

25 It is always the duty of counsel to state

1 as clearly as they can the position of their parties on
2 a matter and it is not improper for the Board to ask
3 counsel to state their party's position; that is, the
4 position represented by that counsel, ask counsel to
5 state that position. And, as I have indicated in our
6 original submissions on this matter, that procedure
7 seemed to work quite well, particularly when coupled
8 with the availability of people in the room to speak to
9 individuals who raised particular questions.

10 And unless there are any questions, those
11 are all of my submissions.

12 MADAM CHAIR: Yes, we do have a question
13 for you, Mr. Campbell, and the other parties might want
14 to respond to this as well.

15 And that is, obviously Mr. Martel and I
16 are not -- we are not happy with the way we are
17 constrained in terms of how we have to conduct these
18 public hearings. We understand that it must be done in
19 a way that is procedurally proper and we are willing to
20 accept that certainly, but we feel that the public
21 isn't well served by the way the Board is constrained
22 in terms of having them make submissions to us and get
23 information out of the hearing themselves.

24 Obviously a witness panel of one party's
25 experts, we are not going to get agreement that that is

1 the way we should go. There seemed to be two
2 alternatives to the Board. The first is that we could
3 have a witness panel of all the major parties' experts,
4 and that might require satellites hearings of great
5 duration, complications. That is one way of going.

6 The second thing is to give the parties'
7 counsel a more active role in the hearing process, I
8 don't know, it would be along the lines of your CHS
9 experience, but is there a way that we can have counsel
10 present at the hearings for purposes of clarification
11 when the public has questions to ask and with the
12 intent of trying to help the public with the sorts of
13 information that they want.

14 MR. CAMPBELL: Well, again, all I can
15 speak to is my own particular experience on this matter
16 and that was simply that the Board made a regular
17 practice on the major transmission line cases in which
18 I acted for Ontario Hydro. It's actually a regular
19 practice at this thing of bouncing questions right to
20 counsel for Ontario Hydro, if there were particular
21 things, pieces of information, and other counsel who
22 were there. And that is quite appropriate.

23 MADAM CHAIR: Did counsel begin by making
24 short presentations on their party's cases?

25 MR. CAMPBELL: No. The satellite

1 hearings were very much for the Board to hear from the
2 local communities and there was not an opening
3 statement, but there was often quite a bit of dialogue
4 in the course of the hearing.

5 Certainly one method of addressing a
6 concern that he raised is to schedule, and particular
7 reference could even be made in the notice, when the
8 notice is looked at, for parties to --

9 MADAM CHAIR: Not this notice, Mr.
10 Campbell.

11 MR. CAMPBELL: Not this notice, but the
12 next notice that we're coming along with that we'll
13 have to look at. You could set aside a particular time
14 so that people who wanted to come and listen to lawyers
15 take some time, limited amount each, to explain what
16 they thought were the particular pertinent issues that
17 their party was concerned with.

18 That would be quite appropriate, and in
19 fact that could be done even without the Board in the
20 room and that is something that counsel could do, but
21 there are a variety of techniques of that type that
22 could be used. And I think it ought not to be beyond
23 us to devise something that will achieve those
24 objectives that you speak of.

25 MR. MARTEL: Can I ask another question,

1 Mr. Campbell. What if someone made - I make reference
2 to the argument we had with respect to OFIA's concern
3 way back - what if someone makes a very strong
4 allegation at the hearing, how does one then respond to
5 it; for example, if it were a wild accusation against
6 any of the parties?

7 You know, I've heard allegations -- I've
8 heard a judge make one recently to, you know. If
9 somebody makes an allegation like that, how do we
10 ensure that the other party can protect himself with
11 such allegations at an open forum like this?

12 MR. CAMPBELL: First of all, it's
13 cross-examination to make sure that -- if there is a
14 very strong allegation, counsel can cross-examine to
15 ensure that there is on the record a clear statement
16 from the person making the allegation as to the factual
17 basis on which they base that allegation. That is
18 quite proper. And I will say that the stronger the
19 allegation the more somebody who is making those
20 allegations put themselves at risk of a very testing
21 cross-examination from counsel and that's exactly as it
22 ought to be.

23 MR. MARTEL: We are talking about the
24 public maybe, Mr. Campbell, and they are without a
25 lawyer.

1 MR. CAMPBELL: That's fine. But if they
2 are there and they make some very strong and scurrilous
3 accusation against someone, nobody should be able to do
4 that in the hearing in front of a hearing panel with
5 impunity.

6 So, as I say, the stronger the
7 allegation, then somebody doing that ought to expect to
8 be questioned as to the factual basis on which they
9 would make it. Typically then, certainly if I was
10 acting for someone in that position, I would say that I
11 might well make some submissions to you based on the
12 results of that cross-examination, but if they were
13 inconclusive, I would also make it absolutely clear
14 that it was on the record that I, of course, had had no
15 opportunity to prepare to meet this accusation and I
16 expected to have that opportunity, I would notify the
17 person who was making the accusation when that would be
18 dealt with, but we expected to deal with it in front of
19 the Board and we expected that opportunity from the
20 Board.

21 And my understanding of a previous
22 discussion of this type of hypothetical situation was
23 that the Board recognized that it had to provide that
24 opportunity. But, you know, in large hearings where
25 one is travelling apart and you can't travel with

1 complete knowledge of all one's client's affairs, that
2 is the only way you can deal with it.

3 MADAM CHAIR: Thank you, Mr. Campbell.

4 MR. CASSIDY: If I could just make a
5 comment in respect of the last question you asked, Mr.
6 Martel, and it's picking up on what Mr. Campbell said.

7 I could envisage circumstances, sir,
8 where it may be appropriate and may very well demand
9 that there be a limited right of reply given to the
10 party to whom the accusation is made because the
11 cross-examination in the regular circumstances may not
12 be the appropriate mechanism by which to deal with that
13 accusation. I cannot give you a particular situation,
14 in fact I would suggest that it would be imperfect to
15 do so, but I would think that the Board would want to
16 consider that at the time by way of another possible
17 remedy. Certainly cross-examination springs to mind
18 and I would wholeheartedly adopt Mr. Campbell's
19 submissions in that regard.

20 But there may be a circumstance - and I'm
21 not speaking particularly about my client, although
22 that would be one situation - but it could happen to
23 any counsel here who finds himself or herself in a
24 situation where the only effective way to deal with a
25 matter by way of getting the truth out, which is what

1 we're concerned with here, is by requesting permission
2 for a limited form of reply to that. By that I mean,
3 calling some evidence at some point. But that, again,
4 I think it would depend on circumstances.

5 MR. CAMPBELL: And I agree entirely with
6 that submission, and if I wasn't clear before, I want
7 to be now. But if my client or anybody else's client
8 has been the subject of a specific accusation, it would
9 be my view that almost as a matter of right, without
10 question, there should be the opportunity for that
11 party, if the accusation isn't wholly withdrawn as a
12 result of cross-examination or simply becomes so clear
13 that there's just no basis for it, but it is a right of
14 the party accused to choose whether it wants to
15 subsequently bring forward somebody and say: Now, Mr.
16 so-and-so said this and what do you have to say about
17 that.

18 And a party should be entitled to do
19 that, the person who is making the accusation should be
20 told when that's going to happen, but I agree with
21 that.

22 MADAM CHAIR: Are there any other parties
23 who would like to add anything to the discussion that
24 that might raise?

25 Ms. Murphy?

1 MS. MURPHY: My friends have just
2 answered your question about what happens if someone
3 makes an accusation or allegation against a party.
4 Obviously the answer is a combination of
5 cross-examination and some kind of opportunity to
6 respond.

7 What we pointed out in our letter is that
8 in the circumstances you have here, that's a little
9 difficult, the opportunity to cross-examine is
10 circumscribed to some degree and while the opportunity
11 to respond has to be there when the happens, Mr.
12 so-and-so, the person who made the comment
13 probably won't be there.

14 That was one of the concerns that we
15 raised in our letter. The person who made the
16 allegation in one community in Ontario is unlikely to
17 be there at the time that the allegation is responded
18 to, if it responded to in reply. It's a practical
19 problem that the Board is trying to resolve.

20 I have some concern. I hope that the
21 Board in resolving this issue does not come to the view
22 that having witness panels in these circumstances is
23 necessarily an infringement of natural justice. It's
24 my understanding that this procedure is being used now
25 by certain other panels of the Environmental Assessment

1 Board. Most recently I'm advised of one in Smithville
2 that deals with a mobile PCB destruction facility, the
3 Board being chaired by Mrs. Patterson I believe, and
4 having witnesses present to answer questions maybe very
5 useful in those circumstances. I think it would be
6 unfair to assume that what has transpired here would
7 make it impossible for other boards to use this
8 procedure.

9 And, again, you asked whether there is
10 some possibility of having short presentations made by
11 counsel. One of the practical problems we're trying to
12 deal with here is that the members of the public who
13 are coming to these hearings can't come at nine o'clock
14 in the morning, one o'clock in the afternoon, stay for
15 the entire day or whatever.

16 The idea was to have hearings ongoing
17 and, in these circumstances, over several days so that
18 people have an opportunity to come when they can.
19 Having four presentations, I would suggest to you,
20 would be kind of difficult, I don't know that people
21 are going to be able to work their schedules around
22 those and I'm certain you don't want to hear those
23 short presentations done six times, which might be the
24 option.

25 Those are my submissions.

1 MADAM CHAIR: Ms. Swenarchuk?

2 MS. SWENARCHUK: Just one comment on that
3 issue, Madam Chair, Mr. Martel.

4 To the extent that the Board wished other
5 parties to give the public information about our
6 positions, that might be done in writing, we might also
7 prepare a document like that and have them available at
8 these public hearings and people could read an overall
9 outline.

10 I think for each one of us the number of
11 issues to be dealt with by us is so large that even a
12 statement by counsel could only be quite general, and a
13 written document that covers the positions on major
14 issues might provide that kind of information, it might
15 really amount to a more readable form of summary of our
16 terms and conditions for approval, something like that.

17 I'm not suggesting they look anything
18 like those particular documents, but the positions are
19 out there, we know each party's position. That might
20 be one way the public could get a sense of what
21 everybody's looking for here.

22 MADAM CHAIR: Well, of course, the
23 parties are free to distribute any written material
24 they want at the open house, that doesn't solve our
25 unhappiness about the fact that you're in a public

1 forum and there's absolutely no exchange going on other
2 than the Board sitting listening to what the public has
3 to say. Obviously that's an important thing for us to
4 do, but the public is not getting back any information
5 in the process in terms of views that they can respond
6 to without doing their own research and without digging
7 for facts in written material.

8 MR. MARTEL: It's a one-way operation,
9 wasn't it, when I spoke to last week at the briefing.
10 We keep encouraging the public to participate and then
11 we seem to in a sense shackle them so that there is no
12 free interchange of ideas or attitudes and we can't
13 have it both ways.

14 MS. SWENARCHUK: If I can respond. I
15 think that I understand the problem you're addressing,
16 Mr. Martel, and I agree it's a real problem, and
17 perhaps it's a problem particularly to the legal
18 process.

19 To the extent I think that the public
20 spoke to party members outside the presence of the
21 Board, they could get that kind of information, but I
22 agree with you and I don't see an easy answer to the
23 problem by a legal proceeding like this and it's a
24 difficult one to adapt to any kind of more informal
25 exchange.

1 MADAM CHAIR: If there's nothing else to
2 be added.

3 (no response)

4 Mr. Cassidy?

5 MR. CASSIDY: Madam Chair, I made
6 reference earlier to another matter in relation to the
7 satellite hearings that I would like to raise with the
8 Board at this time, and it is in specific reference to
9 the planned satellite hearing in Fort Frances which I
10 believe is now planned for the week of May 22nd,

11 And I would like to put a proposal to the
12 Board on behalf of Boise-Cascade Canada Limited who,
13 you may or may not know, operates a mill in Fort
14 Frances and I would suggest the Board give some
15 consideration to this proposal and advise us
16 accordingly after you've had a chance to think about
17 it.

18 The mill in Fort Frances is a mill that
19 is operating a new type of facility and I'm advised by
20 the people in Fort Frances that it is a unique project,
21 and we would like to extend an invitation and request
22 that the Board consider attending a tour of the mill in
23 Fort Frances while it is there at the Board's
24 convenience for the purpose of viewing the
25 co-generation facility which is in that mill.

1 That is a form of electrical energy
2 generating facility which I am advised is unique in
3 Ontario and the Board may find some benefit in seeing
4 it because of its uniqueness, and I suspect you may not
5 get to Fort Frances again in the course of this
6 hearing.

7 The facility generates both steam for use
8 in the mill and power for sale, and given that it is a
9 brand new facility it may be worthwhile for the Board
10 to have a tour of it. It is the largest co-generation
11 project I am advised ever undertaken in Ontario and
12 involves extensive use of materials and technology
13 generated in Ontario.

14 I am also advised that the tour of the
15 facility, including the brief tour of the other parts
16 of the mill, would take a total of two and a half
17 hours. All parties of course would be welcome to
18 attend and the Board has been on previous mill tours in
19 the Thunder Bay area and we would presume to run it in
20 the same fashion, on a rather informal basis with
21 everyone invited.

22 Evening tours are available. The best
23 time, I am advised from the company's perspective, is
24 the Tuesday night or some time Tuesday during the day,
25 if the Board can accommodate that, of that week.

1 The other part of the mill that you might
2 be interested in seeing is the actual product-making
3 mill. The reason that my clients would be interested
4 in you seeing it is that it deals with the production
5 of a niche market product and; that is, magazine grade
6 papers. And for your interest, those magazines include
7 Reader's Digest, TV Guide and something I've never
8 heard of called Soap Opera Weekly.

9 MS. CRONK: You have a subscription.

10 MR. CASSIDY: But that mill produces a
11 large quantity of -- in fact, a significant portion of
12 the North American market for those magazines. And I
13 don't believe you have seen that type of facility
14 before, you have seen particular types of products
15 being generated. I throw that out for your interest
16 and would appreciate your letting us know as soon as
17 possible.

18 The mill in Fort Frances is described by
19 Boise Cascade as an old facility, now totally
20 modernized, which is another interesting feature of it,
21 and it might occur to the Board to take the advantage
22 of the opportunity to see that.

23 And I am reminded that it's not my
24 clients it's our clients, one of many of our clients in
25 the Ontario Forest Industries Association who would be

1 interested in making that opportunity available to you.

2 MADAM CHAIR: Well, I will discuss it
3 with Mr. Martel. I think I have actually already seen
4 that mill, Mr. Cassidy. Three years ago I was in Fort
5 France and I think I was on that mill tour, but I will
6 discuss it with Mr. Martel.

7 MR. CASSIDY: In that event, you would
8 not, I understand, have seen the co-generation facility
9 which I understand is brand new and, as a result, I
10 would urge it upon the Board and at least join me when
11 I tour it.

12 MADAM CHAIR: Thank you, Mr. Cassidy.
13 The Board likes to take advantage of those invitations
14 to view facilities.

15 Ms. Swenarchuk, shall we get to the
16 matter of...

17 MR. CASSIDY: I can't resist, Madam
18 Chair, Mr. --

19 MS. SWENARCHUK: He really does subscribe
20 to that weekly.

21 MR. CASSIDY: --Mr. Campbell wanted to me
22 to point out the participation of Ontario Hydro in that
23 co-generation facility tour.

24 MS. SWENARCHUK: I'll see it if I was to
25 dig up some clients in opposition while we there.

1 The schedule that you're working from,
2 Madam Chair, Mr. Martel, is based on the Board
3 procedural order, September of 1988, as well as the
4 informal discussions that we've had with Ms. Devaul
5 about satellite hearings over the summer, and I will
6 just review some of the issues that we considered
7 there.

8 I am looking at page 10 of that
9 September, '88 order, and I will just note for the
10 record - in case other parties in opposition have
11 forgotten about this paragraph - that all other parties
12 in opposition, other than Forests for Tomorrow, are
13 required to deliver their witness statements to the
14 Board and other parties receiving full-time
15 correspondence prior to the completion of Forests for
16 Tomorrow's case. So other parties I presume will have
17 to be coming to you in the same position that I am
18 today.

19 And then the second, paragraph 6(b) on
20 the same page indicated that parties in support of the
21 Ministry's application which are required to deliver
22 witness statements, other than the Industry, shall
23 deliver their witness statements to the Board and
24 parties receiving full-time correspondence at least 60
25 days prior to the completion of the presentation of the

1 Industry's evidence on a date to be fixed by the Board.

2 And when I looked at that I thought about
3 some of the parties who will be presenting in the
4 planned satellite hearings, and there are actual
5 parties in support of the Ministry's application who,
6 according to Ms. Devaul's outline to us, will present
7 during those hearings.

8 It's probably too late for them to
9 deliver witness statements, those that will need to,
10 within the 60 days outlined in that paragraph, but
11 perhaps some consideration should be given to notifying
12 those parties, establishing whether they intend to
13 present written materials; the parties as opposed to
14 the members of the public who appear. I just leave
15 that to you for your consideration.

16 And then the schedule that I have in mind
17 for Forests for Tomorrow is based on the following
18 paragraph which specified that we would be the first
19 party in opposition to present following parties in
20 support of the Ministry's application, and shall
21 deliver our witness statements to the Board prior to
22 the completion of the presence by parties in support of
23 the Ministry's case, and on a date to be fixed by the
24 Board.

25 Now, I noted the requirement on page 9 of

1 this order in paragraph 5(a) for the Industry to
2 deliver its first witness panel statement at least 60
3 days prior to the completion of the Ministry's case and
4 I assume that a similar type of order would apply to
5 Forests for Tomorrow.

6 Now, from the discussions with Ms. Devaul
7 and the other counsel, and on the assumption that the
8 Board conducts community hearings in August and
9 September, then the Forests for Tomorrow case would
10 begin October 1st or later. And on that basis, and if
11 that is acceptable to the Board, that suggests to me
12 that our first witness statement should be delivered by
13 July the 9th, which is 60 days prior, not counting
14 weekends.

15 The one exception that I ask you to make
16 to that October 1st date, or beginning our witness
17 panels, is that we wish to conduct a one-day site visit
18 which should be conducted either in late August or in
19 the first two weeks of September. The witness involved
20 is not available for the last part of September and, in
21 any event, in his estimation the first two weeks of
22 September are about the best time to get into this
23 area, given for example that the bugs are gone.

24 In any event, what I am requesting of the
25 Board is that our first witness statements would be

1 delivered as of July the 9th, and then the remainder
2 would follow over time between then and October 1st,
3 assuming that that is the date fixed by the Board.

4 Now, we expect our case to consist of
5 probably --

6 MADAM CHAIR: Excuse me, Ms. Swenarchuk,
7 I am sorry. About the site visit that you are
8 proposing, is the location near any the satellite
9 hearing places?

10 MS. SWENARCHUK: I was going to come to
11 that later. Probably it is, yes.

12 Now, our case will consist of 10 expert
13 subject areas which will probably amount to 10 expert
14 panels and eight lay witnesses, and I believe from
15 previous discussions with the previous Chairman that
16 the expectation is that, of course, we will produce
17 witness statements for the experts but not for the lay
18 witnesses.

19 Now, another wrinkle is that the
20 Beardmore/Lake Nipigon Watchdog Society, which is also
21 a full-time party in opposition and for which we are
22 counsel - that was arranged really for their
23 convenience since they were retaining the same expert
24 that we had already retained and we didn't want to
25 exclude their ability to do that - they have determined

1 that they would like to present their case; or, that
2 is, have that expert present that case really in the
3 context or in the course of our case, and it will
4 probably mean one additional day of testimony by that
5 expert.

6 This will occur as well in Toronto, they
7 have instructed me to conduct it in Toronto. This is
8 the same expert who will be the guide on the site
9 visit. So for that expert I want to be clear with the
10 Board: I will be asking that he conduct the site
11 visit, that he present then up to two days' direct
12 testimony for Forests for Tomorrow, probably one day
13 but, in accordance with the Board's guidelines I
14 suppose it could be up to two days, and then probably
15 one day direct testimony for the Beardmore/Lake Nipigon
16 group which we would probably integrate into his --
17 make it a one-time direct testimony appearance in
18 Toronto.

19 Now, with regard to the site visit. I am
20 advised that it involves a nine to 10-hour trip by road
21 from Thunder Bay, that is including the travel time
22 back and forth, and FFT will provide the
23 transportation, probably bus.

24 Now, due to the restricted availability
25 of the witness, as I say we want to plan that for late

1 August or the first two weeks of September, and I am
2 requesting that you give me your agreement to plan that
3 visit with Ms. Devaul and attempt to make it as
4 convenient as possible in terms of your itinerary for
5 the satellite hearings. And then as soon as that is
6 done, we will deliver an itinerary and map to the other
7 parties with regard to the site visit.

8 Now, I also have some proposals with
9 regard to documentation requirements. I haven't had
10 the opportunity to speak to other intervenors about
11 these proposals, they may or may not wish to adopt them
12 for their cases, but essentially it's an attempt to
13 come to grips with the enormous cost and paper usage
14 involved in preparation and distribution of the
15 materials.

16 The priority for my clients throughout
17 this case has been to operate so as to reserve the
18 maximum amount of the funding available to them for the
19 preparation and presentation of expert evidence. The
20 priority has been clearly to attribute resources in
21 order to assist the Board with evidence, and with
22 regard to preparing our documentation, our goal really
23 is to limit any unnecessary duplication and
24 distribution of documents for purposes of cost, waste
25 generation in the current age, and waste of paper.

1 And, of course, we do this with due regard to the need
2 to provide parties with the necessary documentation
3 and to comply with the requirements of fairness.

4 Now, I have looked at the parties' list
5 as of January the 19th, and there are 28 full-time
6 parties on that list, and those 28 parties are all
7 entitled to witness reports. Now, I would like to
8 introduce perhaps a third category of parties'
9 officially into the documentation preparation and; that
10 is, those parties that are actually in full-time
11 attendance before the Board. And, in addition to
12 Forests for Tomorrow, I have on that list the Ministry
13 of Natural Resources, the Industry, Ministry of
14 Environment, Nishnawbe-Aski Nation, Treaty No. 3,
15 NOTOA, and OFAH. So that those are seven in addition
16 to FFT, and of course the Board -- witness statements
17 would go to the Board. And what I am requesting with
18 regard to the witness statements in general is the
19 following:

20 First of all, that really it's only the
21 parties in full-time attendance who need, for example,
22 the curricula vitae of the witnesses. And what I would
23 like to propose is that the CVs which can in fact
24 amount to hundreds of pages of photocopying and
25 printing and distribution when you consider the number

1 of witness statements involved, the CVs go to the Board
2 and parties in full-time attendance but not to the
3 other 18 parties on that full-time parties list. Those
4 CVs will of course be available to them at the Board if
5 in fact they require them and if anyone has a request
6 or a need for one we would certainly provide it, but as
7 a routine matter we not include them.

8 Secondly, with regard to the treatment of
9 photographs. It's been my experience really that the
10 photographs don't photocopy very well and I usually
11 find the photocopied inclusions of limited use for that
12 reason, and what I would like to propose is that we
13 file with the Board a number of hard copy sets of the
14 photographs, the number to be set by the Board - I am
15 suggesting four complete sets - and that the copies be
16 available there to all parties and that we not attempt
17 to duplicate and distribute these photocopies that I
18 think are of limited use but, once again, magnified by
19 the number of parties amount to hundreds of pages of
20 photocopying.

21 And my third proposal has to do with
22 source materials, and here I am suggesting that -- or
23 proposing that we file with the Board with each witness
24 statement a book of source articles used in the
25 preparation of the witness statement, perhaps again

1 four copies or some other number if the Board would
2 prefer. Again, it's an attempt to cut down on copying
3 and distributing articles that not everyone uses but
4 everyone gets necessarily if they are actually included
5 in the witness statements, and this would also then
6 require us not to mail out these documents with
7 interrogatory responses. Again, there is an enormous
8 expense involved.

9 I have appreciated receiving those, I
10 must say that to the Industry and to the Ministry, over
11 these two years, but I finally did suggest to Industry
12 in one recent panel that I would be happy with access
13 to some background articles rather than copies, they
14 were kind enough to provide me with copies. But when I
15 look at my client's resources and the coping involved,
16 I certainly want to ensure that all those parties who
17 really need these materials have them, and our proposal
18 would be to include a complete set of source documents
19 with each witness statement to be provided to the Board
20 for all parties to use.

21 And certainly if a particular party has a
22 particular need for one, we would do what is necessary
23 to cooperate and ensure that they have the access that
24 they need. In addition, we would include with each
25 witness statement a list of all the materials to be

1 included in the source books to be filed with the
2 Board.

3 And those are my submissions, Madam
4 Chair, Mr. Martel.

5 MADAM CHAIR: All right. Thank you, Ms.
6 Swenarchuk.

7 MS. CRONK: Excuse me, Madam Chair.

8 MADAM CHAIR: Yes, Ms. Cronk?

9 MS. CRONK: Before we are in a position
10 of having to reply or comment upon some of the matters
11 Ms. Swenarchuk has raised, may I obtain at least a
12 clarification with respect to the site visit that's
13 proposed.

14 I don't know from Ms. Swenarchuk's
15 submission where it is she is intending the Board to go
16 or - and this may have been my failure to get down in
17 my notes - how long. The where certainly wasn't
18 indicated but the how long I think was.

19 MS. SWENARCHUK: Yes. The how long would
20 be approximately 9 hours total from Thunder Bay and
21 back, and it would be to examine some differing
22 approaches to regeneration in the area of Nipigon and
23 Beardmore.

24 MS. MURPHY: Well, has Ms. Swenarchuk in
25 talking about the date of this proposed piece of the

1 evidence - as I understand it being at the end of
2 August or the beginning of September - has she kept in
3 mind that we will be in Red Lake, Sault Ste. Marie,
4 Espanola and Timmins at that point in time?

5 MS. SWENARCHUK: It was my understanding
6 that the dates for the various locations had not been
7 fixed. It was also my understanding previously that
8 the witness concerned would be available in late
9 September and the possibility of tying that visit to
10 the Geraldton area site visit was discussed with Ms.
11 Devaul.

12 Now, the witness will not be available
13 after the second week of September. The other
14 alternative would be not to hold the site visit until
15 early October, but I am told that in terms of weather
16 conditions that becomes problematic and, therefore, if
17 it is possible to tie it to an earlier date, as I
18 indicated, I would like an opportunity to discuss that
19 with Ms. Devaul and attempt to establish that.

20 Is there anything else you wanted to
21 know, Ms. Cronk?

22 MS. CRONK: No, thank you.

23 MR. CASSIDY: I for one, Madam Chair,
24 thought those dates for the site visits were fixed in
25 reference to a letter that Ms. Murphy filed which set

1 out those dates. I may be wrong, but - I am not sure
2 Ms. Swenarchuk was here - but I seem to recall that
3 those dates were fixed, because then planning would
4 then proceed based on her letter, Ms. Murphy's letter.

5 MADAM CHAIR: I think we have said that
6 the parties can begin to plan on those dates, but we
7 have all kinds of arrangements to make with respect to
8 French services and so forth, so the dates aren't fixed
9 formally yet, but we think they are fairly firm.

10 MS. MURPHY: Given that, making those
11 arrangements means making arrangements in all of those
12 communities for hotels and places for holding the
13 hearings and so forth, those things -- the arrangements
14 are being proceeded on.

15 MADAM CHAIR: Yes, I know that. I am not
16 saying -- the weeks themselves are quite fixed; in
17 terms of the exact dates of any week that we are going
18 to be there, that is still open.

19 MR. CASSIDY: Madam Chair, if I can
20 address the matter of timing of the witness statements,
21 since I asked that this matter be brought forward, I am
22 going to go first in response.

23 I have some concerns with the suggestion
24 made by Ms. Swenarchuk in terms of timing. The
25 requirement on our clients, pursuant to paragraph 5(a),

1 was the requirement that we provide our first witness
2 panel 60 days prior to the completion of the MNR case,
3 not the commencement of our own. Ms. Swenarchuk's
4 calculation is based on the fact that she would start
5 her case on October 1st.

6 Our first witness statement was served in
7 October of 1989, as I recall, and that was some four
8 months prior to our commencement of our case; and,
9 therefore, I suggest that if we are going to proceed in
10 the same fashion that we should proceed in that
11 fashion. In any event even, if I'm wrong in my timing
12 as to when our first statement was produced, my concern
13 is that the first witness statement produced by Forests
14 for Tomorrow or served by Forests for Tomorrow should
15 be served, in fairness, 60 days prior to the completion
16 of our case just as we were required to do.

17 MS. SWENARCHUK: Excuse me, but there are
18 other parties in support of Ministry who are to present
19 after your case and that is the basis on which I made
20 that calculation.

21 MR. CASSIDY: That is fine, but we have
22 not yet heard as to whether or not those parties are
23 going to file witness statements in advance of their
24 presentation, and we've had an indication that they do
25 intend to provide witness statements -- or do intend to

1 provide evidence at various hearings, though we have
2 not heard whether or not they intend to provide actual
3 written witness statements, and that could be dealt
4 with quite easily pursuant to subparagraph (f) of
5 paragraph 6 of the order of September 16th, 1988 by
6 permitting Forests for Tomorrow to file supplementary
7 witness statements if necessary.

8 And I doubt whether that's going to be
9 necessary, but that provision I think would clearly
10 speak to that possibility, that Forests for Tomorrow
11 could file supplementary witness statements if those
12 other parties in support file written material.

13 So I submit that would not be a
14 difficulty, and I submit that the practical reality is
15 that the next major party proceeding, just as we were
16 the next major party proceeding the MNR, is Forests for
17 Tomorrow and, therefore, fairness requires that they
18 have their first statement to us 60 days before we
19 complete our case.

20 Now, we are well within and maybe even
21 ahead of my projection that we will finish our case by
22 the summer break, which I'm assuming will be on Friday,
23 July 5th.

24 If you assume, and giving the benefit of
25 the doubt that we take until that long, we may finish

1 earlier, that is Friday, July 5th will be our last
2 day -- I am sorry, Thursday, July 5th.

3 Well, I am assuming, Madam Chair, that we
4 will have the same break we had last year and we sat up
5 to and the end of, as I recall, the first week in July.
6 Oh, well then fine, if it's the end of June then we
7 have got Friday June 29th as the potential last day of
8 the break.

9 If you accept that as the end of our
10 case, then they would finish -- of course, the 60 days
11 prior to that would be April 29th, and I submit that
12 that is the logical date for Forests for tomorrow to be
13 required to produce their first panel, which I notice
14 now is a Sunday, so April 30th would be the appropriate
15 date.

16 MS. SWENARCHUK: Well, Madam Chair, it is
17 really news to me to suggest that there is two
18 categories of parties in terms of importance. I have
19 operated on the assumption that if there are parties
20 presenting evidence in August and September that we
21 would of course file our witness statement 60 days
22 before the completion of that set of the hearings and
23 it is on that basis that I came to July the 9th.

24 I see no relation at all between the
25 commencement of ours and the completion of the

1 Industry's case, given that there are five or six
2 parties that are going to be presenting after the
3 Industry. These are all parties in support, it seems
4 to me are all of equal status.

5 I don't believe this Board order was
6 worded simply in terms of what Mr. Cassidy has called
7 major parties. It is really a new interpretation to
8 me, if that's what he means.

9 MR. CASSIDY: Now, Madam Chair, we just
10 heard a few minutes ago that there now is a third
11 category of party which is to receive documentary
12 requirements, so I didn't invent this idea and I am not
13 suggesting that those parties be neglected and I am
14 also not suggesting anything other than what I think
15 subparagraph (f) of paragraph 6 contemplates, that
16 supplementary witness statements can be filed.

17 But I do want to go back to what I think
18 was the rationale of this order and; that is, that
19 parties get the opportunity to see the evidence that is
20 ahead of them well in advance, and I don't want to run
21 into the situation which I think would be manifestly
22 unfair that we would get the witness statements after
23 we finish our case. That was not the rationale I
24 suspect and submit for the order which we were dealing
25 with.

1 We had to produce our witness statements
2 60 days in advance of completion of the previous
3 party's case, presumably so that party could deal with
4 some of the matters that were raised there or at least
5 start to.

6 Secondly, you are talking about very
7 technical matters here and I suspect and submit that
8 another rationale for this order was that the parties
9 would get a fair opportunity to review it well in
10 advance, and I submit that if we don't fix an order now
11 for a timing, on speculation as to whether or not
12 witness statements are going to be provided by other
13 parties in support, we are going to end up with a
14 situation where we get witnesses statements well after
15 the contemplated provisions of this paragraph.

16 I don't see anything unfair in requiring
17 the first statement on or about April 30th from Forests
18 for Tomorrow. We are not asking for every single
19 witness statement, we certainly didn't produce every
20 single witness statement four months before our case
21 started, but I don't see anything inherently unfair
22 with requiring them to live by the rules which we had
23 to live by.

24 And if there are other parties - I
25 repeat - in support who file witness statements

1 subsequent to that, that gives them plenty of time to
2 respond by way of supplementary witness statements or
3 even dealing with it in the evidence in the ordinary
4 course, because they are going to have a substantial
5 period of time before they have to file their last one.
6 And, as a result, I think it would be unfair to order
7 any other fashion with respect to the production of
8 their witness statements.

9 Now, that's in terms of timing. I am
10 suggesting that their witness statement be filed by
11 April 30th, on or about, preferably before, but on
12 April 30th at the latest, and I would also -- with
13 respect to the documentary requirements that Ms.
14 Swenarchuk has raised, I would like to have the
15 opportunity to consult with the people, experts among
16 them who we will be dealing with in terms of reviewing
17 the evidence to determine whether or not those are
18 acceptable. So therefore I am not in a position to
19 make submissions on those one way or the other tonight.

20 If I could just have your indulgence.

21 And with respect to the end of -- or the
22 deadline for the production of witness statements by
23 Forests for Tomorrow, I again do not see anything
24 inherently unfair in requiring Forests for Tomorrow to
25 produce their witness statement by the end of our case,

1 and if you want to take it as June 30th being the end,
2 then we are content with that as the end date.

3 Again, I do not understand the submission
4 and I think it is rather unfounded that the parties in
5 support or the site visits should interfere with that
6 timing.

7 MS. SWENARCHUK: Can I just respond to
8 this? I think --

9 MS. CRONK: Sorry. Before you do, Ms.
10 Swenarchuk, can I just add -- so you will be able to
11 respond to both of us at once, there is no point in
12 having to do it twice.

13 I just want to add, perhaps so that -
14 supplementary to what Mr. Cassidy has said - there's no
15 misunderstanding as to the basis on which we have been
16 proceeding.

17 I can inform the Board that I have never
18 been associated with a proceeding of any kind before a
19 tribunal such as this or analogous to this where one
20 party who was in full-time participation was required
21 to close its case without knowing what the cases were
22 that were to follow, and that's why I spoke with Mr.
23 Cassidy and we went back to the rationale for that
24 60-day rule. And I recall quite clearly the
25 submissions that were entertained by the Board at that

1 time as to why there should be production of witness
2 statements in advance of the closure of the cases.
3 That's the reason that the rule is so important.

4 The only alternative I suspect will be
5 less than attractive to the Board and to other parties
6 and; that is, if we are required to close our case
7 without receiving those expert reports and lay ones as
8 well - and I will come back to that, that's another
9 issue - from Forests for Tomorrow, we will have no
10 alternative but to ask for an unrestricted right of
11 reply.

12 It may be that there are limited
13 circumstances in which that right would normally accrue
14 to us in any event, but to close our case without our
15 experts knowing what the evidence is that's to follow
16 from Forests for Tomorrow would put us in a position
17 where we would have no alternative but to seek that.

18 I must say that I'm taken by surprise, as
19 Mr. Cassidy was, by the timing that Ms. Swenarchuk has
20 suggested and it seems that there has been a genuine
21 misunderstanding as to what was to apply. And I can
22 only say that we have proceeded with our case before
23 the Board on the understanding that our witnesses would
24 be in the box and in a position for us to deal with it
25 in an evidentiary sense before the close of our case.

1 And that's why Mr. Cassidy has urged upon you that
2 60-day rule.

3 ---Discussion off the record

4 MS. SWENARCHUK: With respect to Ms.
5 Cronk's last suggestion that the order contemplated the
6 Industry having Forests for Tomorrow's witness
7 statements before the completion of its case, could I
8 direct you to page 9 of the order in question,
9 paragraph 5(d) which directed parties intending to
10 present evidence and requiring to file witness
11 statements to provide counsel for OFIA/OLMA with a
12 concise summary of the issues intended to be addressed
13 as they relate to member companies within 10 days of
14 the conclusion of the Ministry's Panel 15 evidence, or
15 sooner if possible. And if allegations were not
16 provided, then the Board went on to say in the next
17 paragraph that the Industry would be permitted a
18 limited right of reply to the issues therein.

19 Now, we are still discussing with them
20 the degree to which allegations provided to them,
21 additional to the ones that we did provide, we provided
22 in fact more than 10 pages of potential allegations,
23 but I think the order is absolutely clear that that was
24 the mechanism by which the Industry was to have notice
25 of any allegations to be made against them. I don't

1 know if other parties provided them or not, but we did.

2 Now, with regard to Mr. Cassidy's and Ms.

3 Cronk's suggestions that the import of this order was

4 that they would have FFT's witness statements before

5 concluding their case, this is of course news to us.

6 In my view it assumes that all the parties in support

7 who will be presenting after the Industry somehow have

8 no status and the schedules for their presentations do

9 not enter into the scheduling of the case overall, and

10 I think that is a suggestion absolutely to be rejected.

11 Secondly, if the Industry was proceeding

12 on the assumption that they would have Forests for

13 Tomorrow's witness statements before they could

14 conclude their own case, I can only ask if they

15 expected to have witness statements for all other

16 parties in opposition as well. Why single out Forests

17 for Tomorrow?

18 We are the party in opposition that is to

19 proceed first after all parties in support are

20 concluded. I see absolutely nothing in this order that

21 suggests the timing of our case or our presentation of

22 evidence is in any way tied to the Industry's case

23 specifically.

24 The Board provided for that requirement a

25 fairness to the Industry by requiring the filing of

1 allegations. The rest of the order applies to all
2 parties equally and frankly it never occurred to us that
3 the timing of our case and our witness statements was
4 in any way tied to the Industry case, nor have we
5 proceeded on that basis, nor frankly could we possibly
6 deliver all those witness statements between now and
7 the end of June.

8 We assume that there is a staged delivery
9 process by which all those witness statements would be
10 available to the parties before our case commences, as
11 has been the case and was the case with the Industry
12 case and that's the basis on which they are being
13 prepared. Of course subject to the Board's direction
14 here, if necessary, they would be moved up, but it's
15 frankly out of the question to now be suggesting that
16 they should be able before the end of June.

17 And, once again, I must reiterate my
18 complete disagreement with the Industry position as to
19 what this order says, and once again remind the Board
20 of the particular protection for the Industry included
21 in that paragraph. No other party here is entitled to
22 notice of allegations, not even the Ministry was
23 entitled. The Industry was --

24 MR. FREIDIN: No, no.

25 MR. MARTEL: Could I raise a couple of

1 questions, because I wanted to ask Ms. Cronk if she in
2 fact was including all of the other cases, for example,
3 the Anglers & Hunters. I am not sure Mr. Cassidy was
4 asking that they too had to present their material
5 because their case is somewhat contrary to -- well,
6 they are not supporting, and it was Mr. Cassidy only
7 talking about one specific party?

8 The other question I wanted to ask
9 because I simply don't have a book in front of me,
10 would the Industry's case have all been in had the
11 Ministry of Natural Resources' case not gone longer
12 than we had anticipated?

13 I think that we had set some deadlines
14 and that they all went by the Board, they were falling
15 faster than tin soldiers for a while, the deadlines
16 that we set and thought MNR was going to be finished
17 and I can't recall if the Industry's case would have
18 been all in had we completed the Ministry of Natural
19 Resources' case on the first date that had been -- we
20 had thought that the Ministry's case would be
21 completed, and I am going by memory on that.

22 MR. CASSIDY: Well, perhaps I can
23 assist. The order requires to have it delivered prior
24 to the completion of MNR's case, our first one. We
25 were always under the impression that we had until the

1 end of the Ministry's case to produce our last one, and
2 that's exactly what we are asking with respect to this
3 panel or with respect to this particular party.

4 MS. SWENARCHUK: Can I just bring your
5 attention to the exact wording of the order which says
6 that:

7 "Forests for Tomorrow shall present its
8 evidence immediately following parties
9 in support of the proponent's application
10 and should deliver its witness statements
11 to the Board and parties receiving
12 full-time correspondence prior to the
13 completion of the presentation of
14 evidence by those parties in support of
15 the Ministry's case."

16 MS. CRONK: Mr. Martel, if I can just
17 reply to a number of issues that Ms. Swenarchuk has
18 raised.

19 First of all, the specific provision in
20 the order that she is drawing to your attention that
21 has to do with disclosure of allegations was intended
22 to deal with allegations of alleged misconduct
23 impropriety. That is the way in which it has been
24 dealt with and that's the nature of the communications
25 that we have received. In no way has the information

1 disclosed to Industry dealt with issues at large to be
2 dealt with in the case of the opposition parties,
3 including Forests for Tomorrow.

4 It is literally so, that as we stand here
5 today, apart from what I can infer or understand based
6 on communications that have taken place in the
7 negotiation process to be Forests for Tomorrow's case
8 as reflected in their terms and conditions, I don't
9 know what their case is and we are 20 plus months into
10 this hearing, and that is literally the case. So
11 that's proposition No. 1.

12 The clause in the order to which Ms.
13 Swenarchuk referred did not, as the parties have
14 operated rightly or wrongly, require prior disclosure
15 of full issues in the sense that we would have some
16 prior indication of what the case was that we had to
17 deal with. That's the first point.

18 Secondly, in terms of whether our own
19 case, Mr. Martel, would have completed had the MNR
20 completed earlier, we always understood that the
21 requirement on us was to get our first evidence package
22 in 60 days before the end of the MNR case whenever that
23 might have been. That resulted, practically speaking,
24 in some projections that changed virtually on a daily
25 basis I can tell you, I don't think there is any

1 surprise in that we all had to live with that. So
2 that's the obligation we understood attached to us and
3 that we honoured.

4 In terms of your first question, sir, are
5 we speaking only of Forests for Tomorrow in the instant
6 case, in the instant submissions, we are. We are not
7 ignoring, nor would I ever suggest, nor did I suggest,
8 that any other parties in support of MNR's case are not
9 to be regarded as having status. I am simply talking
10 about the realities and the practicalities of it.

11 As Mr. Cassidy and I understand it - and
12 we stand to be corrected - but as we understand it, the
13 other parties who are following in support, you are not
14 talking about days and weeks of evidence from various
15 panels of experts, that's not our understanding; we are
16 talking about several days tops. If we are wrong in
17 that the timing changes.

18 All we are saying is that the first
19 substantive case that we know to be in opposition to
20 the interests of Industry is that of Forests for
21 Tomorrow and that if this timing order isn't clarified
22 in the way we suggest, we will be required in an
23 evidentiary sense to close our case without having any
24 disclosure as to what that case is going to be, save as
25 we can infer it from draft terms and conditions;

1 secondly, without any indication upon which our
2 witnesses can comment.

3 And, in our respectful submission, what's
4 really at stake here is fairness to the Industry. We
5 have, in our respectful submission, a right to know the
6 case that affects our clients' interest, to put them in
7 a position where, as a matter of natural justice, they
8 have had notice of that case, can deal with it in their
9 own evidence in a timely and a thorough way, and unless
10 we have prior disclosure as to what that evidence is
11 going to be, that's impossible.

12 It is no cure now, I suggest, to look at
13 a right of reply a year hence if we are required to
14 close our case without disclosure of what this evidence
15 is to be.

16 In the normal course what happens in a
17 hearing of this kind is, experts for one party get to
18 review the proposed testimony of the experts that are
19 to follow so they can deal with it, so they can comment
20 on it, and so that their evidence is informed and the
21 Board, when they hear the evidence, has a right to know
22 what the various expert opinions are. You are going to
23 get half the coin and we are going to be a year away
24 from asking you to hear full reply from us.

25 If Ms. Swenarchuk is telling you today

1 that because she and her client operated on a different
2 understanding - and at the most you're talking a week
3 swing between taking into account the other parties in
4 support or not, as I understand it, I stand to be
5 corrected, but at the most that's the kind of time you
6 are talking about - if she is saying that she has
7 operated all along on a different understanding as to
8 the timing, we have a very serious problem in my
9 submission.

10 MS. SWENARCHUK: Well, my understanding
11 is that there are parties in support who will be
12 presenting in August and September. It is not merely a
13 question of a week's difference at all, and that was
14 the basis on which we proceeded after the meeting in
15 February.

16 As regards the idea that parties in
17 proceedings like this normally or always have the
18 evidence of experts to review throughout, let's recall
19 that with respect to the Ministry's case it required a
20 Board order to even have production of that rather
21 than -- in a much longer schedule than we would have
22 otherwise had it; and in our case, our proposition, we
23 will have all witnesses statements in the hands of
24 other parties in advance of our case commencement
25 beginning 60 days before the case, and in fact given

1 that we will be including some lay witnesses, our
2 design will have our expert reports in the hands of
3 other parties in most cases long before the experts
4 testify and much more than 60 days.

5 MADAM CHAIR: Mr. Campbell?

6 MR. CAMPBELL: Madam Chair, if I could
7 say just a couple of things.

8 I don't think these concerns that are
9 raised by the Industry are anything new, they are
10 exactly the concerns that led the Board in its order to
11 require the filing of terms and conditions so that the
12 Industry could know what remedies were being sought by
13 parties in opposition to address matters that they felt
14 were inappropriate in the timber management planning
15 process that is being proposed not by the Industry but
16 by MNR.

17 Now, the order on its face is quite clear
18 and it does not tie Forests for Tomorrow's timing for
19 witness statements to a 60-day period prior to
20 completion of OFIA/OLMA's evidence.

21 The pertinent paragraph is 6(c), it
22 refers to parties in support and it is as clear as a
23 bell, and if the Industry feels that it now wants an
24 amendment to that order, let's call it an amendment to
25 the order because, in my submission, that is what is

1 being asked for.

2 It is also quite clear that in the
3 satellite hearing locations -- I would refer to
4 various, I believe, at least it's my understanding,
5 that these locations for this set of satellite hearings
6 were picked precisely because there was a high
7 proportion of parties in support at various of those
8 locations.

9 Red Lake, two other parties in support
10 and another major party presenting its case in Red Lake
11 and estimates two to three days in direct evidence -
12 and that is a party in support - Sault Ste. Marie, two
13 parties in support, Espanola one party in support,
14 Timmins one party in support. That is why those
15 locations were picked.

16 Now, under those circumstances it strikes
17 me that 6(c) couldn't have been clearer and that the
18 Board in fact turned its mind to this very problem and
19 made a clear and explicit order and Ms. Swenarchuk has
20 done nothing more but follow the clear wording of that
21 order and has made application today that the Board fix
22 a date for the commencement of the filing of the
23 witness statements as provided for in 6(c), and it
24 seems to me that on any estimate of being prepared for
25 their case, a period of time that approaches three

1 calendar months is more than adequate.

2 In short, I think it is clear on the face
3 of the material that the Board has before it now, both
4 in its previous order and on the material and on the
5 submissions that were made at the time that order was
6 made, that the order was made to address the very
7 concerns which were raised by the Industry and did so,
8 and if the Industry now wants an amendment, let's ask
9 for an amendment. Let's interpret the order as it is
10 clear on its face, and if there is to be an application
11 for amendment, let's deal with that.

12 In my submission, Ms. Swenarchuk has
13 clearly, in putting forward this proposal, and properly
14 and fully complied with both the intent and the spirit
15 of the Board's order.

16 MADAM CHAIR: Do you have anything to add
17 Ms. Murphy?

18 MS. MURPHY: Well, actually I did have a
19 few questions about a series of issues that were raised
20 by Ms. Swenarchuk. Obviously -- if I might just take a
21 couple of minutes.

22 Ms. Swenarchuk in her submissions has
23 suggested a whole series of things that she is going to
24 be asking the Board to do with respect to how her
25 witness statements should be dealt with and to whom

1 they should be served and so forth. I have at least
2 four sort of major areas here. I haven't had an
3 opportunity to look at the submission or to review that
4 with my client or to get any instructions. I would
5 like to clarify a few things so that I can do that.

6 If this is not the appropriate time to do
7 that, fine, but I do have some concerns; some questions
8 relating to the site visit, some concerns about the
9 comment that witness statements would be prepared for
10 expert panels only, which I would object to, and I
11 would want to bring that to the Board's attention and
12 to take instructions on that one, I have some other
13 practical concerns about the timing of the serving of
14 witness statements notwithstanding what the original
15 order is meant to do, and I have some serious concerns
16 about the suggestions about documentation distribution
17 in which it is now suggested that documents will be
18 distributed to some different group of people than
19 received them earlier.

20 The order, as it states right now, says
21 that these materials will be given to parties receiving
22 full-time correspondence. Those are the parties that
23 have been receiving these materials to date and that
24 has a meaning, those are parties who asked the Board to
25 be listed as people to get this very sort of material.

1 MS. SWENARCHUK: They would still get it.

2 MS. MURPHY: Well again, as I say, there
3 are a number of details here that I haven't been able
4 to absorb, I haven't seen written down, and I would
5 like to explore those before making further submissions
6 on them.

7 Now, if this is the wrong time and if
8 these could be explored later and dealt with at another
9 time, that is fine, but I do have concerns with all
10 those issues.

11 ----Discussion off the record

12 MR. CAMPBELL: Madam Chair?

13 MADAM CHAIR: Excuse me, Mr. Campbell.

14 MR. CAMPBELL: I would just like to
15 support the view that on some of these other matters it
16 may be wise for us to have an opportunity to seek some
17 clarification, not using hearing time, from Ms.
18 Swenarchuk on a few of the matters. Also, some of
19 these may affect some parties that aren't here today
20 and they should have an opportunity to look at them as
21 well.

22 It may be that we don't need to spend a
23 great deal of time in front of the Board on this matter
24 if counsel can discuss these matters, and I think that
25 is probably a constructive suggestion.

1 MADAM CHAIR: The Board agrees with that.
2 We will divide these matters into two separate
3 categories; the first being fixing the date for
4 submission of witness statements and other matters I
5 think we will bring back for discussion.

6 MS. MURPHY: And if I can just ask you,
7 in thinking about the business of timing for witness
8 statements, given our own experience dealing with the
9 procedures that follow giving other parties witness
10 statements, as a practical matter you have to keep in
11 mind how many of these statements there might be, and
12 then you have to keep in mind that subsequent to their
13 production there is time required for writing
14 interrogatories, responding to interrogatories and so
15 forth prior to the time that the panel takes the stand.

16 I would ask you to consider those
17 practical implications at the same time as the other
18 problems that have been raised.

19 MR. MARTEL: But you don't take a
20 position on the interpretation that certain people
21 alluded to with respect to --

22 MS. MURPHY: Well, I certainly would
23 suggest to you that the comment in the order that
24 discusses the requirement to provide allegations to the
25 other party has no bearing on this; that is something

1 that is always required, it's required by the Statutory
2 Powers Procedure Act - I don't have the Act in front of
3 me, I believe it's Section 7 - and the parties would be
4 required to do that with any other party in any event,
5 although in this particular set of circumstances the
6 Board saw fit to make it quite clear with respect to
7 this party -- Section 8, thank you.

8 With respect to the other part of the
9 order, whether the order currently requires a
10 particular date before the end of the Industry case, I
11 am not prepared, I don't have instructions to take any
12 position on that.

13 The issue that is being raised is
14 clearly, however, an issue of natural justice and it's
15 an important one where the Industry is advising that
16 without that information they may well be in position
17 of requiring reply. But as to the actual
18 interpretation of that order or whether in fact it
19 requires an amendment, I don't have instructions.

20 MADAM CHAIR: Mr. Edwards?

21 MR. EDWARDS: Thank you, Madam Chair.

22 Madam Chair, I think a number of issues
23 have been raised which are very important to my client
24 and I think to a number of other parties who are not
25 present today, because I certainly wasn't aware that we

1 were going to get into this far-ranging discussion of
2 procedural requirements for the balance of the hearing.

3 I am somewhat inclined to be sympathetic
4 to Ms. Swenarchuk's position on modification of some
5 documentary requirements and I think you may hear more
6 of this from other parties, and obviously it's
7 something which all the parties should address their
8 minds to carefully and we should do this on notice.

9 Some parties are not as well funded as
10 others and obviously there is going to be tremendous
11 difficulty for certain parties to deliver the type of
12 documentation that has been produced by the MNR and
13 certainly by the forest industry. They have been very
14 thorough and complete in production of documents, that
15 is for sure.

16 The problem that we face, however, is of
17 course wanting to participate in a meaningful way in
18 this hearing. We don't want to be a party which simply
19 practices trial by ambush; that is to say, does not
20 give advance notice of its case to the other parties
21 and I am sure that some of the other parties, such as
22 Nishnawbe-Aski, Treaty 3, OFAH - which are not here -
23 also wish to give adequate disclosure to the other
24 counsel of what their case is; however, it would not
25 surprise me if there were a number of parties who are

1 not in the same difficulty or anticipate particular
2 difficulties with all of these documentary
3 requirements, and Ms. Swenarchuk has raised that issue
4 and I think it deserves to be looked at more fully when
5 all parties are on notice.

6 The obvious disadvantage, I guess if a
7 party such as my client was forced out of this hearing
8 because of the documentary requirements on it, I
9 suppose we could just show up and surprise everybody
10 with what we would say at the various satellite
11 hearings, but I don't think that would be very helpful
12 to the process and it certainly wouldn't be much help
13 to the other parties. We intend to participate as
14 fully as we can, but I think the issue of the onus on
15 the other smaller parties perhaps has been raised by
16 Ms. Swenarchuk's comments and I think it bears some
17 careful consideration.

18 With respect to the issue of the timing
19 of Forests for Tomorrow document disclosure, my
20 understanding of the timing of the delivery of their
21 documents, I was not expecting them in June, I was not
22 looking forward to reading them in June, but it would
23 seem that the order speaks for itself and it does seem
24 to speak in the plural, and I understood that the other
25 parties would be presenting their evidence, and my

1 position on that would echo Mr. Campbell's, I
2 understood that we were having these satellite hearings
3 for the purpose of integrating these other parties in
4 support of the MNR's position.

5 So in closing I just suggest that if we
6 are going to get into the issue of what documents have
7 to be required when, I think a number of the other
8 parties who are not present would like to be notified.
9 I think that NAN and Treaty 3 and OFAH would be
10 particularly interested, and I think we are getting a
11 little farther afield than anybody expected today.

12 Those are my submissions, subject to any
13 questions you have.

14 MADAM CHAIR: All right. Thank you, Mr.
15 Edwards. No questions.

16 Yes, this has turned into a more involved
17 discussion than we were anticipating. It's obviously
18 clear to the parties that when we scheduled the
19 satellite hearings indeed we took on the face of it
20 what we had said in this ruling in terms of the
21 scheduling of the witness statements, however, we have
22 listened to your concerns tonight and we are going to
23 go away and scrupulously go back over, revisit our
24 transcripts and notes of our meetings when we first
25 made this ruling, we will go over this evening's

1 transcript as well.

2 We won't have a direction in the next few
3 days about fixing the date, but we will do that as soon
4 as we can.

5 With respect to the other procedural
6 matters, I agree with Mr. Edwards' suggestion and I
7 think that parties should be put on notice that we are
8 discussing these matters that will affect all of them
9 and that we should have a session like this one some
10 time in the next few weeks for all parties to be
11 involved in.

12 We might be back in Toronto at that
13 point, I think that might be more convenient. We will
14 set a date for that and announce it tomorrow morning.

15 MS. CRONK: Madam Chair, just on that
16 issue let me just say two things: First of all, the
17 fact that we got as far down the road tonight in this
18 discussion, of course, came as a surprise I think to
19 both of us. It's quite clear that there was -- a
20 misunderstanding certainly has taken place, if I can
21 put it that way.

22 It's also clear to me in light of what
23 Ms. Swenarchuk has told you that some kind of
24 compromise is perhaps something that we should urge
25 upon the Board. She's effectively told you that

1 given - setting aside entirely the rights and wrongs of
2 interpretation of that order - that she cannot meet a
3 deadline of all the statements by the end of June.

4 I can tell the Board that we were
5 actually contemplating that our case might finish
6 earlier than the month of June and it might not be July
7 5th and we had assumed -- we had assumed in those
8 circumstances that Forests for Tomorrow's case would
9 begin and the satellite visits would proceed in August
10 and September as the Board scheduled them.

11 So, hence another insight in the way we
12 were thinking about all the timing in this. We thought
13 there was a point in time and it's still possible that
14 we might finish the second or third week in June given
15 the pace at which the evidence is proceeding, and we
16 assumed that the next party up would be --

17 MADAM CHAIR: No, I think the meeting
18 with Ms. Devaul several weeks ago was for the purpose
19 of organizing the satellite hearings and that there
20 would be a space of time absolutely between the end of
21 your case and when Forests for Tomorrow's case would
22 begin.

23 MS. CRONK: In terms of the timing
24 implication, that was a possibility that we had
25 considered when we were dialing with all of these

1 timing implications. I understand that these visits
2 that have now been scheduled were fixed --

3 MADAM CHAIR: I can understand why you
4 were thrown off. Originally we were going to go to
5 Fort Frances at the end of your case--

6 MS. CRONK: That's right, that's right.

7 MADAM CHAIR: --thinking that we had time
8 to fill in June and then the suggestion came: Well,
9 why not put it ahead because you would be finished.

10 MS. CRONK: I do not have instructions
11 from our clients on this issue, but I can assure the
12 Board that the exchange that has taken place tonight
13 will come as some surprise to the rest of the counsel
14 involved on behalf of the OFIA/OLMA.

15 My suggestion in the circumstances would
16 be that if some portion at least of Forests for
17 Tomorrow's case could be produced prior to the closure
18 of ours it may be that that is a compromise measure
19 that would at least allow some of our experts to deal
20 with some of the matters to be raised.

21 I put that forward to the Board only
22 because I recognize the position you have now been
23 placed in; you have two parties saying that they
24 interpreted things differently, and yet one is telling
25 you that there is that fundamental fairness involved -

1 which is our position, and I believe that that is
2 true - and the other saying we can't possibly meet that
3 deadline.

4 The only other alternative is the
5 reopening of our case, and I can tell you that from our
6 clients' perspective, in addition to that of the
7 Board's, that would be wholly unappealing.

8 So it's a practical dilemma but I am very
9 concerned about the basic issue of fairness involved in
10 it and I see no other recourse but to put it to you on
11 that basis.

12 And I don't propose to reply any further
13 to what Mr. Campbell or the others said about
14 interpretation of the order. We have never had any
15 understanding that other parties in support would
16 consume more than a week or so, absent travelling time,
17 of this Board's time to deal with these matters, that
18 in effect, for all practical purposes, we were
19 proceeding immediately with the opposition cases.

20 MS. SWENARCHUK: Madam Chairman, I really
21 find it necessary to state on the record that Mr.
22 Cosman was present at the meeting at which the
23 scheduling of the satellite hearings was present and it
24 was certainly I think the understanding of everyone
25 there - and it was Mr. Cosman who in fact stated it for

1 the meeting - that I had taken the position, quite
2 properly he said, that Forests for Tomorrow's case
3 should not commence until all parties in support had
4 presented their cases, and that at the meeting at which
5 the scheduling of these satellite hearings was
6 conducted, it was clear at that meeting that that
7 included other parties in support.

8 With respect to fairness, Madam Chairman,
9 Mr. Martel, the Industry's claims to fairness on this
10 matter I find totally unfounded. I think their right
11 to reply has been considered already in that Board
12 order, but with respect to my clients' rights to
13 fairness before the Board, I believe we have relied
14 quite correctly, we have read and reread that order
15 many times in order to plan the scheduling of our case
16 in accordance with it.

17 We think the rules have been clear since
18 that order was written and we request that fairness be
19 extended to our clients in that the schedule which we
20 have developed reasonably, in accordance with the
21 Board's ruling, be respected. I cannot see any way,
22 given the scheduling we have given to our experts based
23 on that order that we could have expert witness
24 statements provided much earlier than that order
25 provided or suggested we should have them.

1 And in conclusion, once again, the order
2 has nothing to do -- the order to us in that order has
3 nothing to do with the timing of the Industry's case.

4 MADAM CHAIR: Ms. Swenarchuk, do you have
5 a schedule in fact with respect to filing your witness
6 statements?

7 MS. SWENARCHUK: A loose schedule, yes.
8 One that I could give you at this moment?

9 MADAM CHAIR: Yes.

10 MS. SWENARCHUK: No, I would have to work
11 it out.

12 MADAM CHAIR: All right. I think it
13 would be helpful for the Board to see that.

14 MR. MARTEL: Would it be possible to get
15 confirmation from Mr. Cosman as he was in attendance.
16 Could we possibly get clarification from Mr. Cosman as
17 to whether --

18 MR. CRONK: There has never been --
19 sorry.

20 MR. MARTEL: My understanding is, having
21 just listened to Ms. Swenarchuk, he was in attendance
22 at that meeting.

23 MS. CRONK: That's quite right, sir, and
24 there is no issue or disagreement between us as to when
25 the Forests for Tomorrow's case was to commence, the

1 issue is when their evidence was to be disclosed.

2 That's quite different.

3 What Ms. Swenarchuk said occurred with
4 Mr. Cosman present I knew about, I was aware of, she is
5 correct, it relates to commencement of her case, not
6 disclosure of these witness statements.

7 MS. SWENARCHUK: Might I point out that
8 at no time has any counsel to the Industry suggested to
9 me that they were expecting witness statements from
10 Forests for Tomorrow and presumably any or all of the
11 parties before the completion of their case, and I
12 would request once again that in your consideration of
13 this matter you not distinguish between my clients and
14 all the other parties in opposition who should be
15 similarly affected by the position that the Industry
16 calls for and which the Industry claims is required for
17 their case of fairness.

18 If such witness statements are to be
19 expected of my clients by the conclusion of their case,
20 then they are to be expected of all parties in
21 opposition, and I submit that is a ludicrous position.

22 MS. CRONK: The Board can extend a ruling
23 in tact I think when disagreement has arisen, Ms.
24 Swenarchuk, and it is exactly because the concern has
25 developed that we have asked for the matter to be dealt

1 with to night; that is why it was put on the agenda
2 tonight.

3 And I will say no more, Madam Chair.

4 MADAM CHAIR: Thank you. Are there any
5 more submissions?

6 MS. MURPHY: Do I understand that Ms.
7 Swenarchuk will be providing notice to everyone about
8 the order that she wants at some time so that we can
9 respond to the particulars?

10 MADAM CHAIR: Not on the issue of fixing
11 a date, but on the other procedural --

12 MS. MURPHY: On the other matters?

13 MADAM CHAIR: On the matters of
14 documentation.

15 MS. MURPHY: Is it necessary to have a
16 date for that or...

17 MADAM CHAIR: Well, for the parties who
18 aren't here we are going to need to publish a date.

19 MS. SWENARCHUK: I'll await some
20 instructions from the Board.

21 MADAM CHAIR: All right. We'll talk
22 about this later.

23 MR. CASSIDY: This is not really involved
24 with what we have just been dealing with, it's a timing
25 request in terms of setting a date for the scoping

1 session for Panel 7. I can see things moving along and
2 it may be appropriate if we all haul out our calendars
3 and set a date for that scoping session now rather than
4 later, particularly since Ms. Swenarchuk is here, for
5 her assistance as well as mine.

6 MADAM CHAIR: I don't have my calendar,
7 Mr. Cassidy, but Mr. Martel does.

8 MR. CASSIDY: All right.

9 Yes, tomorrow is No. 6 and I will speak
10 to that in a minute, but if I might suggest that the
11 scoping session for Panel 7 -- if I could just have a
12 minute to speak to Ms. Swenarchuk.

13 If I may have your indulgence, Madam
14 Chair.

15 ---Discussion off the record

16 MR. CASSIDY: Thank you, Madam Chair.

17 I would respectfully suggest that we have
18 the scoping session next Wednesday night, which would
19 be the 18th, for the Panel 7 scoping session with the
20 statement of issues being required on the 17th, if that
21 is agreeable to the Board.

22 MADAM CHAIR: Yes, that suits the Board,
23 Mr. Cassidy. Is that all right with the other parties?

24 (no response)

25 Fine, then it's the 18th and the 17th

1 deadline for submissions.

2 MR. MARTEL: The only thing I have, you
3 have a problem with -- we are supposed to be discussing
4 on the 17th how people are going to be preparing stuff
5 for the 17th with respect to the negotiations. There
6 is supposed to be a report or a discussion on the 17th
7 in terms of --

8 MR. FREIDIN: It's the week of. No date.

9 MR. MARTEL: I thought it was the 17th.

10 MR. FREIDIN: The week of the 17th.

11 MS. MURPHY: Some time in the week of.

12 MR. CASSIDY: Perhaps we can set that
13 date for the night of the 18th as well.

14 MADAM CHAIR: When is your --

15 MR. FREIDIN: April 12th is when we are
16 going to provide the parties with some documentation.

17 MADAM CHAIR: From your negotiating team,
18 is that the idea?

19 MR. CAMPBELL: Could I make a suggestion?
20 I would really recommend that we put that discussion
21 over at least one week. This material, as I
22 understand, is coming out the 12th, people have to look
23 at it, turn around, get instructions. The 17th and
24 18th is awfully tight.

25 I would recommend that that be put over

1 at least for next week. there is some serious matters
2 to be addressed.

3 MADAM CHAIR: Well, the Board is really
4 in the dark in terms of what is going on, but we are
5 happy to put it off for another week if there is no
6 disagreement from any party.

7 MR. CASSIDY: So we can mark that
8 discussion for the week of April 23rd then, some time
9 during that week?

10 MADAM CHAIR: Yes.

11 MR. CASSIDY: And then maybe on the 18th
12 we can fix a date for the following week, a convenient
13 night that following week.

14 Madam Chair, the only other matter I
15 wanted to raise was to enquire of the Board if you are
16 aware of any further statements of issues with respect
17 to the scoping session overnight?

18 I have received ones from MNR, MOE and
19 Ms. Swenarchuk has kindly informed me that she will be
20 providing hers to me tomorrow morning very early, for
21 which I have absolutely no objection. So as far as I
22 am aware then there are three parties cross-examining
23 with respect to Panel 6, and I take it that you are not
24 aware of anything further?

25 MADAM CHAIR: I am not, but you will have

1 to check with Ms. Devaul. As far as I know.

2 MR. CASSIDY: All right, thank you.

3 MS. SWENARCHUK: My apologies to the
4 Board for this, Madam Chair. I think there was a
5 breakdown in communication between Mr. Lindgren and
6 myself and I was not aware that today was the date for
7 the filing of the statements of issues.

8 MR. CASSIDY: Thank you, Madam Chair.

9 MADAM CHAIR: Thank you.

10 With respect to whatever you are going to
11 tell the Board about the negotiations, again we don't
12 have any objection for hearing something the week of
13 April 23rd, but it occurs to the Board that we do have
14 legal counsel now, Mr. Turkstra, and if any of the
15 parties would be inclined to speak to Mr. Turkstra on
16 any aspects of the negotiations, then certainly they're
17 free to do so.

18 The Board is not encouraging you to do
19 so, but he is there and if he could be a resource in
20 any way to assisting at the negotiations - and, again,
21 I have no idea whether they are taking place and the
22 Board has not been informed of anything - but he is a
23 resource and he's available for the parties.

24 I think that is it for the evening.

25 Thank you very much.

1 ---Whereupon the hearing adjourned at 7:30 p.m.,
2 to be reconvened on Wednesday, April 11th, 1990,
3 commencing at 8:30 a.m.

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